

City Council Adjourned Regular Meeting
General Municipal Election Results and City Council Reorganization
Tuesday, December 13, 2022
6:00 PM
City Council Chambers and Zoom



ELECTED OFFICIALS

Mayor Steve Napolitano
Mayor Pro Tem Richard Montgomery
Councilmember Joe Franklin
Councilmember Suzanne Hadley
Councilmember Hildy Stern
City Treasurer Tim Lilligren

EXECUTIVE TEAM

City Manager Bruce Moe
City Attorney Quinn Barrow

City Clerk Liza Tamura
Community Development Director Carrie Tai
Finance Director Steve Charelian
Fire Chief Michael Lang
Human Resources Director Lisa Jenkins

Information Technology Director Terry Hackelman
Parks and Recreation Director Mark Leyman
Police Chief Rachel Johnson
Public Works Director Erick Lee

MISSION STATEMENT:

Our mission is to provide excellent municipal services,
preserve our small beach town character, and enhance the quality of life for our
residents, businesses and visitors.

DECEMBER 13, 2022

CITY COUNCIL MEETING AGENDA PACKET:

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MANHATTAN BEACH'S CITY COUNCIL WELCOMES YOU!

By participating in City Council meetings, you are participating in the process of representative government. To encourage that participation, the City Council provides an early opportunity for public comments under "Public Comments," at which time speakers may comment on any matter within the subject matter jurisdiction of the City Council, including items on the agenda.

*The City continues to offer an opportunity to participate in Council meetings via Zoom. The City Council encourages the public to participate by submitting comments in advance of the meeting, no later than **5:30 PM, December 13, 2022** (the day of the meeting), via:*

- 1) eComment at <http://www.manhattanbeach.gov/ecomment>
- 2) email to cityclerk@manhattanbeach.gov or
- 3) telephone message recorded at **(310) 802-5030**.

All of your comments provided by the deadlines above will be available to the City Council and the public prior to the meeting.

In addition, you may participate by joining Zoom during the meeting. Instructions are provided on item E (Public Comments).

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City's website at www.manhattanbeach.gov, the Police Department located at 420 15th Street, and are also on file in the Office of the City Clerk for public inspection. Any person who has any question concerning any agenda item may call the City Clerk's office at (310) 802-5056.

Meetings are broadcast live through Manhattan Beach Local Community Cable, Channel 8 (Spectrum), Channel 35 (Frontier), and live streaming via the City's website.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Office of the City Clerk at (310) 802-5056 (voice) or (310) 546-3501 (TDD). Notification 36 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting. The City also provides closed captioning of all its Regular City Council Meetings for the hearing impaired.

CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, state under penalty of perjury that this notice/agenda was posted on Wednesday, December 7, 2022, on the City's Website and on the bulletin boards of City Hall, Joslyn Community Center and Manhattan Heights.

BELOW ARE THE AGENDA ITEMS TO BE CONSIDERED.

A. CALL MEETING TO ORDER

B. PLEDGE TO THE FLAG

C. ROLL CALL

D. APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES

This is the time for the City Council to:

- (a) notify the public of any changes to the agenda;*
- (b) remove items from the consent calendar for individual consideration; or*
- (c) rearrange the order of the agenda.*

MOTION TO APPROVE AGENDA AND WAIVE FULL READING

E. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Speakers may provide public comments on any matter that is within the subject matter jurisdiction of the City Council, including items on the agenda. The Mayor may determine whether an item is within the subject matter jurisdiction of the City Council. While all comments are welcome, the Brown Act does not allow City Council to take action on any item not on the agenda.

The City Council encourages the public to participate by submitting comments in advance of the meeting, no later than **5:30 PM, December 13, 2022** (the day of the meeting), via:

- 1) eComment at <http://www.manhattanbeach.gov/ecomment>
- 2) email to cityclerk@manhattanbeach.gov or
- 3) telephone message recorded at **(310) 802-5030**.

All of your comments provided by the deadlines above will be available to the City Council and the public prior to the meeting.

IN PERSON PUBLIC PARTICIPATION

Please complete the "Request to Address the City Council" card by filling out your name, city of residence, the item(s) you would like to offer public comment, and returning it to the City Clerk.

NOON PUBLIC PARTICIPATION

If you wish to speak on any item on the agenda, please register in advance by clicking the following link: <https://citymb.seamlessdocs.com/f/publiccomment>, even when submitting this request you will need to use the "raise hand" feature via Zoom during the presentation of that Agenda Item in order to confirm with the City Clerk's Office that you wish to provide comments.

- 1) Join Zoom Meeting via the internet:

Direct URL: <https://citymb-info.zoom.us/j/93376200363>, Meeting ID: 933 7620 0363

During the meeting you will need to use the "raise hand" button through Zoom at the time the Agenda Item is being presented for City Council consideration.

- 2) Join Zoom Meeting via Phone Conference (Voice Only):

Phone Number: (669) 900-6833, Meeting ID: 933 7620 0363

During the meeting you will need to enter *9 on the phone's dial pad to "raise your hand" at the time the Agenda Item is being presented for City Council consideration.

Please note, the City is not responsible for the public's use of Zoom as it relates to the software, configuration, and setting on a personal device. The public is encouraged to visit the Zoom website for information on use of this software. The City's use of Zoom is consistent with the platform features and functions as described on the Zoom.

F. REORGANIZATION

1. City Council Minutes: [22-0492](#)
This Item Contains Minutes of the Following City Council Meeting(s):
 - a) City Council Special Meeting Minutes of December 6, 2022
 - b) City Council Regular Meeting Minutes of December 6, 2022
(City Clerk Tamura).**APPROVE**

Attachments: [City Council Special Meeting Minutes of December 6, 2022](#)
[City Council Regular Meeting Minutes of December 6, 2022](#)

2. Consideration of a Resolution Citing the Facts of the November 8, 2022, [22-0500](#)
General Municipal Election (City Clerk Tamura).
A) ADOPT RESOLUTION NO. 22-0166
B) DIRECT THE CITY CLERK TO CODIFY ORDINANCE NO. 22-0013 AS ADOPTED BY THE VOTERS

Attachments: [Resolution No. 22-0166](#)
[Ordinance No. 22-0013](#)

3. City Council Reorganization: [22-0491](#)
 - a) Recognition of Outgoing City Councilmember Suzanne Hadley
 - b) Recognition of Outgoing City Councilmember Hildy Stern
 - c) Oath of Office to Newly Elected City Councilmember Amy Howorth
 - d) Oath of Office to Newly Elected City Councilmember David Lesser
(City Clerk Tamura).**PRESENT AND ACCEPT**

Attachments: [Certification - Election Results of November 8, 2022, General Municipal Elections](#)

G. RECESS AND RECONVENE

H. ROLL CALL

I. APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES

This is the time for the City Council to:

- (a) notify the public of any changes to the agenda;*
- (b) remove items from the consent calendar for individual consideration; or*
- (c) rearrange the order of the agenda.*

MOTION TO APPROVE AGENDA AND WAIVE FULL READING

J. RECESS CITY COUNCIL MEETING TO A MEETING OF THE MANHATTAN BEACH CAPITAL IMPROVEMENTS CORPORATION**I. CALL MEETING TO ORDER****II. ROLL CALL****III. PUBLIC COMMENT ON CAPITAL IMPROVEMENT CORPORATION****IV. GENERAL BUSINESS**

4. Reorganization of the Manhattan Beach Capital Improvements Corporation to Fill the Seats Occupied by Suzanne Hadley and Hildy Stern (Finance Director/Chief Financial Officer Charelian).

[CIC-12](#)**APPROVE****K. ADJOURN THE MANHATTAN BEACH CAPITAL IMPROVEMENTS CORPORATION AND RECONVENE CITY COUNCIL MEETING****L. CONSENT CALENDAR (APPROVE)**

5. Consideration and Approval of the 2023 City Council Meeting Calendar (City Clerk Tamura).

[22-0493](#)**APPROVE**

Attachments: [2023 City Council Meeting Calendar](#)

6. Consideration of the Approval of City Council Assignments (City Clerk Tamura).

[22-0502](#)**APPROVE**

Attachments: [City Council Assignments and Committee Descriptions](#)

M. ITEMS REMOVED FROM THE CONSENT CALENDAR

Items on the Consent Calendar are routine and customary items and are enacted by a single motion with the exception of items previously removed by a member of the City Council during "Approval of the Agenda" for individual consideration. Any items removed shall be individually considered immediately after taking action on the Consent Calendar.

N. GENERAL BUSINESS

7. Consideration of Revised Meeting Times For City Commissions to Accommodate Permanent Hybrid (In-Person and Virtual) Meeting Format for Participants (Community Development Director Tai and Parks and Recreation Director Leyman).

[22-0472](#)

(Estimated Time: 30 Mins.)

APPROVE

O. ADJOURNMENT



CITY OF MANHATTAN BEACH

1400 Highland Avenue Manhattan Beach, CA 90266
www.manhattanbeach.gov • (310) 802-5000

STAFF REPORT

Agenda Date: 12/13/2022

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Liza Tamura, City Clerk

Patricia Matson, Deputy City Clerk

SUBJECT:

City Council Minutes:

This Item Contains Minutes of the Following City Council Meeting(s):

- a) City Council Special Meeting Minutes of December 6, 2022
- b) City Council Regular Meeting Minutes of December 6, 2022
(City Clerk Tamura).

APPROVE

RECOMMENDATION:

The attached minutes are for City Council approval:

Attachment(s):

- 1. City Council Special Meeting Minutes of December 6, 2022
- 2. City Council Regular Meeting Minutes of December 6, 2022

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Tuesday, December 6, 2022

4:30 PM

Zoom

City Council Special Meeting

ELECTED OFFICIALS

Mayor Steve Napolitano

Mayor Pro Tem Richard Montgomery

Councilmember Joe Franklin

Councilmember Suzanne Hadley

Councilmember Hildy Stern

PLEASE NOTE THAT THE CITY ARCHIVES THE VIDEO RECORDINGS OF ALL REGULAR CITY COUNCIL MEETINGS AND THE VIDEO FOR THIS MEETING IS HEREBY INCORPORATED BY THIS REFERENCE. ALSO IN SUPPORT OF MORE TRANSPARENCY AND THE AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE, THE CITY OFFERS CLOSED CAPTIONING FOR REGULAR CITY COUNCIL MEETINGS. FOR A COMPLETE RECORD OF THIS CITY COUNCIL MEETING, GO TO:

www.manhattanbeach.gov/departments/city-clerk/city-council-meetings-agendas-and-minutes

A. CALL MEETING TO ORDER

Mayor Napolitano called the meeting to order.

B. PLEDGE TO THE FLAG

Mayor Napolitano led the Pledge of Allegiance.

C. ROLL CALL

Roll Call by City Clerk Liza Tamura.

Present 5 - Mayor Napolitano, Mayor Pro Tem Montgomery, Councilmember Franklin, Councilmember Hadley, and Councilmember Stern

D. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Mayor Napolitano opened the floor to public comments.

Seeing no requests to speak, Mayor Napolitano closed the floor to public comments.

E. CLOSED SESSION

I. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

City Attorney Quinn Barrow announced the following Closed Session:

**a) CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)
(Government Code Section 54956.9(d)(1))**

**Name of Case: Highrose El Porto, LLC. v City of Manhattan Beach
Los Angeles County Superior Court
Case No: 22STCP03962**

This lawsuit challenges the City Council’s decision regarding the Highrose El Porto project.

**b) CONFERENCE WITH LEGAL COUNSEL (ANTICIPATED LITIGATION)
(Government Code Section 54956.9(d)(2)(e)(5))**

A point has been reached where, in the opinion of the City Council on the advice of its City Attorney, based on existing facts and circumstances, there is a significant exposure to litigation against the City. Californians for Homeownership, YIMBY Law, and California Renters Legal Advocacy and Education Fund (CaRLA) have submitted two letters indicating that they intend to file litigation against the City if the City Council does not “rehear” the Highrose El Porto project, which is the topic of the litigation identified in Section a) above. In addition, the state Department of Housing and Community Development served the City with a “Notice of Violation” regarding the City Council’s decision. The referenced correspondence is included in this agenda packet, and copies are available upon request at the City Clerk’s Office at City Hall, 1400 Highland Avenue, Manhattan Beach, CA 90266.

Number of Cases: 2

II. RECESS INTO CLOSED SESSION

At 4:32 PM, the City Council recessed into Closed Session.

III. RECONVENE INTO OPEN SESSION

At 4:46 PM, the City Council reconvened into Open Session with all City Councilmembers present.

IV. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION

City Attorney Barrow announced that the City Council went into Closed Session to discuss the pending litigation and the threatened litigation. The City Council gave direction to the City Attorney and will be scheduling another Closed Session regarding the items on December 20, 2022. There was no other reportable action taken.

F. ADJOURNMENT

At 4:47 PM, Mayor Napolitano adjourned the meeting and notified the public that the next City Council meeting would take place at 6:00 PM.

Patricia Matson
Recording Secretary

Steve Napolitano
Mayor

ATTEST:

Liza Tamura
City Clerk

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Tuesday, December 6, 2022

6:00 PM

Regular Meeting

City Council Chambers and Zoom

City Council Regular Meeting

ELECTED OFFICIALS

Mayor Steve Napolitano

Mayor Pro Tem Richard Montgomery

Councilmember Joe Franklin

Councilmember Suzanne Hadley

Councilmember Hildy Stern

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www.manhattanbeach.gov/departments/city-clerk/city-council-meetings-agendas-and-minutes

A. CALL MEETING TO ORDER

Mayor Napolitano called the meeting to order.

B. PLEDGE TO THE FLAG

Leo Rogin of Robinson Elementary School led the Pledge of Allegiance.

C. ROLL CALL

Roll Call by City Clerk Liza Tamura.

Present: 5 - Mayor Napolitano, Mayor Pro Tem Montgomery, Councilmember Franklin, Councilmember Hadley and Councilmember Stern

D. CEREMONIAL CALENDAR

- 1. Presentation of Certificates of Recognition to the 2022 Fire Department Annual, "Home Escape Plan" Contest Winners. [22-0438](#)

PRESENT

On behalf of the City Council, Mayor Napolitano, Fire Chief Michael Lang, Firefighter/Paramedic Patrick Jacobson, and Fire Inspector Suzy Contreras, presented Certificates of Recognition to the following winners of the Fire Department's 2022 Home Escape Plan Contest:

*Nicole Schueller, American Martyrs Catholic School
Taylor Winkle, Grand View Elementary School
Annabelle Coffman, Meadows Elementary School
Kathleen Van Mierlo, Pacific Elementary School
Brady Carlson, Pennekamp Elementary School
Phoenix Viharo, Robinson Elementary School*

E. APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES

A motion was made by Mayor Pro Tem Montgomery, seconded by Councilmember Hadley, to approve the agenda as amended, to pull Agenda Item No. 11 from the Consent Calendar for individual consideration, and waive full reading of ordinances. The motion carried by the following vote:

Aye: 5 - Napolitano, Montgomery, Franklin, Hadley and Stern

F. CITY COUNCIL AND COMMUNITY ORGANIZATION ANNOUNCEMENTS OF UPCOMING EVENTS (1 MINUTE PER PERSON)

Recreation Manager Jan Buike announced the Older Adult Holiday Luncheon at Joslyn Community Center on December 14, 2022 from 11:00 AM to 2:30 PM; and the Manhattan Beach Holiday Fireworks at the Pier beginning at 3:00 PM on December 11, 2022.

Leadership Manhattan Beach representative Carol Patterson announced "It's a Wonderful Life: In-Person Radio Play" at Trinity Lutheran Church from December 9-11, 2022 (Friday-Saturday at 7:00 PM and Sunday at 12:00 PM). Tickets can be purchased at trinitymb.org.

President and CEO of the Chamber of Commerce David Archer announced the Holiday Mixer Extravaganza at Manhattan Village beginning at 5:30 PM on December 7, 2022.

Mayor Pro Tem Montgomery announced that the Skechers Snow Park has been moved to Live Oak Park and that the parking lot across from Shellback Tavern will be open for seating during the holiday fireworks; and the 30th Annual Beach Cities Toy Drive wrapping party at the Hermosa Beach Community Center on December 17, 2022 beginning at 11:00 AM. Donations are currently being accepted at select locations in Hermosa Beach and Manhattan Beach.

Councilmember Franklin provided an update regarding the E-Bike Safety Program.

G. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Mayor Napolitano opened the floor to public comments. The following individual(s) spoke:

Lee Phillips
 Adam Goldston
 Julie Justus McGinity
 Char Harding
 Tiffany Barbara
 Fred Taylor
 Bob Sievers
 Lucia La Rosa Ames
 Heather Kim
 Ray Joseph
 Heidi Rayden Tobias

Seeing no further requests to speak, Mayor Napolitano closed the floor to public comments.

H. CONSENT CALENDAR (APPROVE)

A motion was made by Councilmember Franklin, seconded by Mayor Pro Tem Montgomery, to approve the Consent Calendar with Agenda Item No. 11 being removed to be heard under Section I - Items Removed From the Consent Calendar. The motion carried by the following vote:

Aye: 5 - Napolitano, Montgomery, Franklin, Hadley and Stern

2. City Council Minutes: [22-0487](#)
 This Item Contains the City Council Regular Meeting Minutes of November 15, 2022 (City Clerk Tamura).
APPROVE

The recommendation for this item was approved on the Consent Calendar.

3. Financial Reports: [22-0483](#)
 Schedule of Demands November 3, 2022, and November 10, 2022 (Finance Director Charelian).
ACCEPT REPORTS AND DEMANDS

The recommendation for this item was approved on the Consent Calendar.

4. City Council Reconsideration of the Circumstances of the Declared COVID-19 Emergency to Facilitate Remote Attendance at Public Meetings by Councilmembers and Other City Legislators Pursuant to AB 361's Special Teleconferencing Requirements (City Attorney Barrow). [22-0488](#)
ACCEPT STAFF RECOMMENDATION

The recommendation for this item was approved on the Consent Calendar.

5. Consideration of a Resolution Confirming Emergency Order Nos. 28 and 29 Issued by the Director of Emergency Services During the Local Emergency Proclaimed to Address COVID-19 (City Attorney Barrow). [22-0505](#)
ADOPT RESOLUTION NO. 22-0165

The recommendation for this item was approved on the Consent Calendar.

6. Consideration to Approve a Purchase Order in the Amount of \$169,538.85 with South Coast Lighting & Design, Inc. for the Polliwog Park Lighted Pathway Project (Public Works Director Lee). [22-0428](#)
APPROVE

The recommendation for this item was approved on the Consent Calendar.

7. Consideration of a Resolution to Accept a Public Street, Utility, Sidewalk, and Driveway Easement from Manhattan Beach Unified School District at 110 S. Rowell Avenue at the Frontage of Pennekamp Elementary School (Public Works Director Lee). [22-0436](#)
A) ACCEPT
B) AUTHORIZE
C) ADOPT RESOLUTION NO. 22-0159

The recommendation for this item was approved on the Consent Calendar.

8. Consideration of the Use of Budgeted CIP Funds in the Amount of \$250,000 for the Manhattan Beach Unified School District's Security Camera Project (Public Works Director Lee). [22-0451](#)
APPROVE

The recommendation for this item was approved on the Consent Calendar.

9. Consideration of a Resolution Approving the Highland Avenue Corridor Improvement Project and Authorizing the Public Works Director to Submit an Application to the Los Angeles County Metropolitan Transportation Authority for Measure M Grant Funding (Public Works Director Lee). [22-0453](#)
ADOPT RESOLUTION NO. 22-0161

The recommendation for this item was approved on the Consent Calendar.

10. Consideration of Resolutions Awarding a Construction Agreement to Crosstown Electrical & Data, Inc. for the Marine Avenue at Cedar Avenue Traffic Signal and Intersection Improvements Project for \$389,953; Approving an Inspection Services Agreement with Quantum Quality Consulting, Inc. in the Amount of \$120,250 (Public Works Director Lee). [22-0454](#)
ADOPT RESOLUTION NOS. 22-0162 AND 22-0163

The recommendation for this item was approved on the Consent Calendar.

- 11. Consideration of a Resolution Approving Amendment No. 4 Extending by [22-0420](#)
 One-Year the Professional Services Agreement with Granicus for Civic
 Engagement Services for \$171,660 (Information Technology Director
 Hackelman and City Clerk Tamura).
ADOPT RESOLUTION NO. 22-0164

**This item was removed from the Consent Calendar and heard under Section I -
 Items Removed from the Consent Calendar.**

I. ITEMS REMOVED FROM THE CONSENT CALENDAR

- 11. Consideration of a Resolution Approving Amendment No. 4 Extending by [22-0420](#)
 One-Year the Professional Services Agreement with Granicus for Civic
 Engagement Services for \$171,660 (Information Technology Director
 Hackelman and City Clerk Tamura).
ADOPT RESOLUTION NO. 22-0164

Councilmember Franklin provided that he pulled the item in order to discuss the solutions in place to resolve recent issues the City has been experiencing with the Granicus software.

City Manager Bruce Moe introduced Information Technology Director Terry Hackelman and City Clerk Liza Tamura.

Information Technology Director Hackelman and City Clerk Tamura provided a brief background regarding the item.

Mayor Napolitano opened the floor to public comment.

Seeing no requests to speak, Mayor Napolitano closed the floor to public comment.

A motion was made by Councilmember Franklin, seconded by Councilmember Hadley, to adopt Resolution No. 22-0164, a resolution of the Manhattan Beach City Council approving an agreement between the City of Manhattan Beach and Granicus, LLC for civic engagement services; and thereby extending the agreement by one year. The motion carried by the following vote:

Aye: 5 - Napolitano, Montgomery, Franklin, Hadley and Stern

J. PUBLIC HEARINGS

12. Consideration of an Annual Military Equipment Usage Report, Pursuant to Assembly Bill 481 (Police Chief Johnson). [22-0459](#)

(Estimated Time: 20 Mins.)

APPROVE

Police Chief Rachel Johnson introduced Police Lieutenant Kelly Benjamin who provided the Staff presentation and responded to City Council questions.

Mayor Napolitano opened the public hearing.

Seeing no requests to speak, Mayor Napolitano closed the public hearing.

A motion was made by Mayor Pro Tem Montgomery, seconded by Councilmember Hadley, to accept the Annual Military Equipment Usage Report and approve future purchases of equipment, per Ordinance No. 22-0006, an ordinance of the Manhattan Beach City Council establishing a Military Equipment Policy. The motion carried by the following vote:

Aye: 5 - Napolitano, Montgomery, Franklin, Hadley and Stern

13. Public Hearing to Consider Extending Interim Ordinance No. 21-0009-U Implementing Objective Development Standards for Senate Bill (SB) 9 Development (Community Development Director Tai). [22-0477](#)

(Estimated Time: 15 Mins.)

A) CONDUCT PUBLIC HEARING

B) ADOPT URGENCY ORDINANCE NO. 22-0012-U EXTENDING THE INTERIM ZONING ORDINANCE FOR ONE YEAR

Community Development Director Carrie Tai introduced Planning Manager Talyn Mirzakhanian who provided the PowerPoint presentation.

Mayor Napolitano opened the public hearing. The following individual(s) spoke:

Char Harding

Zac

Seeing no further requests to speak, Mayor Napolitano closed the public hearing.

A motion was made by Mayor Napolitano, seconded by Mayor Pro Tem Montgomery, to adopt Urgency Ordinance No. 22-0012-U, an interim ordinance of the City of Manhattan Beach extending Urgency Ordinance No. 21-0009-U adopting emergency regulations related to urban lot splits and housing units built in accordance with Senate Bill 9 and declaring the urgency thereof.

City Attorney Quinn Barrow read the title of Urgency Ordinance No. 22-0012-U into the record.

The motion carried by the following vote:

Aye: 5 - Napolitano, Montgomery, Franklin, Hadley and Stern

K. GENERAL BUSINESS

14. Consideration of a Resolution Awarding a Construction Agreement to Applied Restoration, Inc. for the Pier Railing Replacement Project for \$1,962,257 Including Contingency, and Approving an Appropriation in the Amount of \$350,000 from the Pier Fund to the Pier Railing Replacement Project (Public Works Director Lee). [22-0346](#)

(Estimated Time: 15 Mins.)

ADOPT RESOLUTION NO. 22-0158

Public Works Director Erick Lee introduced Principal Civil Engineer Gilbert Gamboa who provided the PowerPoint presentation and responded to City Council questions.

Mayor Napolitano opened the floor to public comments.

Seeing no requests to speak, Mayor Napolitano closed the floor to public comments.

A motion was made by Mayor Napolitano, seconded by Mayor Pro Tem Montgomery, to 1) adopt Resolution No. 22-0158: a) awarding construction agreement to Applied Restoration, Inc. for the Pier Railing Replacement Project for \$1,783,870; b) authorizing the City Manager to execute the agreement and authorizing the City Manager and/or his or her designee to approve an extra work contingency up to \$178,387; c) approving the Plans and Specifications for the Project; d) approving an additional appropriation in the amount of \$350,000 from the Pier Fund to the Pier Railing Replacement Project; e) approve an additional temporary loan of \$200,000 from the Parking Fund; and 2) waive any irregularity in the Applied Restoration, Inc. bid. The motion carried by the following vote:

Aye: 5 - Napolitano, Montgomery, Franklin, Hadley and Stern

15. Review of the City's Procedures Related to Modification of Street Configurations (Community Development Director Tai). [22-0399](#)

(Estimated Time: 30 Mins.)

DISCUSS AND PROVIDE DIRECTION

Community Development Director Carrie Tai introduced City Traffic Engineer Erik Zandvliet who provided the PowerPoint presentation and responded to City Council questions.

Direction was provided to staff that the City Council should be notified of any future modifications to street configurations prior to any action being taken.

Mayor Napolitano opened the floor to public comments.

Seeing no requests to speak, Mayor Napolitano closed the floor to public comments.

The City Council received and filed the report.

16. Consideration of Reimbursement for City Fees Paid for American Martyrs Mustang Main Event (Community Development Director Tai).
(Estimated Time: 10 Mins.)

[22-0478](#)

DISCUSS AND PROVIDE DIRECTION

Community Development Director Carrie Tai provided the Staff presentation and responded to City Council questions.

President of the American Martyrs Parents Association Mike Kersey and American Martyrs Business Manager Bob Hodges responded to City Council questions.

Mayor Napolitano opened the floor to public comments. The following individual(s) spoke:

Stefan Kampe

Seeing no further requests to speak, Mayor Napolitano closed the floor to public comments.

Community Development Director Tai and City Manager Bruce Moe responded to City Council questions.

A motion was made by Mayor Pro Tem Montgomery, seconded by Mayor Napolitano, to provide a 75% fee waiver for the American Martyrs Mustang Main Event and to reevaluate once the event reaches "legacy" status. The motion carried by the following vote:

Aye: 5 - Napolitano, Montgomery, Franklin, Hadley and Stern

L. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS

Mayor Pro Tem Montgomery stated that he attended the Cal Cities Board Meeting and provided the four priorities that were voted on by the board: protect and expand investments to prevent and reduce homelessness; increase supply and affordability of housing while maintaining local control and local decision making; improve public safety in California communities; and safeguard essential local revenues to support fiscal sustainability.

M. FUTURE AGENDA ITEMS

Councilmember Franklin requested to agendaize a discussion to clarify the City Council's direction from February 2022 to provide a refund of fees to four restaurants for public right-of-way fees for outdoor dining.

City Manager Bruce Moe responded to City Council questions.

No councilmember concurred to bring the discussion back on a future agenda.

N. CITY MANAGER REPORT

None.

O. CITY ATTORNEY REPORT

None.

P. INFORMATIONAL ITEMS

17. Agenda Forecast (City Clerk Tamura). [22-0489](#)
INFORMATION ITEM ONLY

This item was received and filed by order of the Chair.

18. Commission Minutes: [22-0486](#)
This Item Contains Minutes of the following City Commission Meetings:
a) Parks and Recreation Commission Minutes of August 22, 2022
(Parks and Recreation Director Leyman)
b) Library Commission Meeting Minutes of September 12, 2022 (Parks
and Recreation Director Leyman)
c) Cultural Arts Commission Meeting Minutes of September 19, 2022
(Parks and Recreation Director)
d) Library Commission Meeting Minutes of October 11, 2022 (Parks
and Recreation Director Leyman).
INFORMATION ITEM ONLY

This item was received and filed by order of the Chair.

Q. CLOSED SESSION

None.

R. ADJOURNMENT

At 8:17 PM, Mayor Napolitano adjourned the meeting, and notified the public that the next City Council Meeting would be held on Tuesday, December 13, 2022, at 6:00 PM.

Patricia Matson
Recording Secretary

Steve Napolitano
Mayor

ATTEST:

Liza Tamura
City Clerk



CITY OF MANHATTAN BEACH

1400 Highland Avenue Manhattan Beach, CA 90266
www.manhattanbeach.gov • (310) 802-5000

STAFF REPORT

Agenda Date: 12/13/2022

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Liza Tamura, City Clerk
Martha Alvarez, Assistant City Clerk
Patricia Matson, Deputy City Clerk

SUBJECT:

Consideration of a Resolution Citing the Facts of the November 8, 2022, General Municipal Election (City Clerk Tamura).

A) ADOPT RESOLUTION NO. 22-0166

B) DIRECT THE CITY CLERK TO CODIFY ORDINANCE NO. 22-0013 AS ADOPTED BY THE VOTERS

RECOMMENDATION:

Staff recommends that the City Council:

- A) Adopt Resolution No. 22-0166, which recites the facts of the General Municipal Election held in Manhattan Beach on November 8, 2022, declaring the results and such other matters as are provided by law.

- B) Direct the City Clerk to Codify Ordinance No. 22-0013 as adopted by the voters, which reaffirms the City's prohibition of the sale of commercial cannabis in Manhattan Beach.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

The City Council took several actions to place two measures and two City Council seats on the November 8, 2022, General Municipal Election ballot:

- At the May 3, 2022, City Council Meeting, the City Council adopted Resolution No. 22-0048, calling for the holding of the General Municipal Election on Tuesday,

November 8, 2022, and ordering to place a citizen-initiated measure (Measure MB) on the ballot which would: 1) Allow a maximum of three cannabis retailers in Manhattan Beach; 2) Repeal the City's existing prohibition of all commercial cannabis activity and allow the City Council discretion to legalize other cannabis uses; and 3) Impose operational, design, and location requirements on such businesses. At the same meeting, the City Council adopted Resolution No. 22-0049 requesting the Board of Supervisors of the County of Los Angeles to render services to the City relating to conducting the General Municipal Election.

- At the June 21, 2022, City Council Meeting, the City Council adopted Resolution No. 22-0091, calling for the holding of a General Municipal Election on Tuesday, November 8, 2022, for the election of two City Councilmembers. At the same meeting, the City Council adopted Resolution No. 22-0093 requesting the Board of Supervisors of the County of Los Angeles to render services to the City relating to conducting the General Municipal Election.
- At the July 19, 2022, City Council Meeting, the City Council adopted Resolution 22-0098, ordering that a conflicting City proposed measure (Measure V) be placed on the November 8, 2022, General Municipal Election ballot that would reaffirm the City's prohibition of the sale of commercial cannabis in Manhattan Beach.

The County administered the election and canvassed the results of the City's November 8, 2022, General Municipal Election for two City Council seats and the two aforementioned measures, Measure MB and Measure V.

Pursuant to Elections Code §10264, as soon as the result of the election is declared, the elections official of the governing body shall enter on its records a statement of the result. The statement shall show:

- a) The whole number of votes cast in the city.
- b) The names of the persons voted for.
- c) The measures voted upon.
- d) For what office each person was voted for.
- e) The number of votes given at each precinct to each person and for and against each measure.
- f) The number of votes given in the city to each person and for and against each measure.

DISCUSSION:

The vote requirement for the measures to pass is a majority (50%+1) of the votes cast. However, since the provisions of the measures approved for the November 8, 2022, election conflict, the provisions of the measure receiving the highest number of affirmative votes would prevail.

Votes for Measure MB are as follows:

Yes: 3,994
No: 13,393

Votes for Measure V are as follows:

Yes: 11,578
No: 5,564

Based off of the results of the November 8, 2022, General Municipal Election, the voting majority voted against Measure MB and therefore, will not be adopted. Measure V received the majority of affirmative votes and is hereby adopted by the voters via Ordinance No. 22-0013. The text of Ordinance No. 22-0013 appeared as Exhibit A of Resolution No. 22-0098 which was adopted by the City Council on July 19, 2022.

On December 7, 2022, the Los Angeles County Registrar-Recorder/County Clerk (LACRRCC) conducted a canvass of the November 8, 2022, General Municipal Election. Attached for City Council approval is a true and correct *Canvass Certificate* provided by the LACRRCC.

CONCLUSION:

Staff recommends that the City Council adopt Resolution No. 22-0166 which recites the facts of the General Municipal Election held in Manhattan Beach on November 8, 2022, declaring the results and such other matters as are provided by law. Additionally, Staff recommends that the City Council direct the City Clerk to codify Ordinance No. 22-0013 as adopted by the voters, which reaffirms the City’s prohibition of the sale of commercial cannabis in Manhattan Beach.

PUBLIC OUTREACH:

A link to the LACRRCC’s Election Results webpage was posted on the City’s Election webpage in addition to links to the County’s post-election canvass updates.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENTS:

1. Resolution No. 22-0166
2. Ordinance No. 22-0013

RESOLUTION NO. 22-0166

A RESOLUTION OF THE CITY COUNCIL OF THE MANHATTAN BEACH CITY COUNCIL, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 8, 2022 DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

WHEREAS, a General Municipal Election was held and conducted in the City of Manhattan Beach, California, on Tuesday, November 8, 2022, as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, the Los Angeles County Registrar-Recorder/County Clerk canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made a part hereof as Exhibit A.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH HEREBY RESOLVES AS FOLLOWS:

SECTION 1. That the whole number of ballots cast in the precincts except Vote-By-Mail ballots was 3,221. The whole number of Vote-By-Mail ballots cast in the City was 14,835. The total number of ballots cast in the City was 18,056.

SECTION 2. That the names of persons voted for at the election for Member of the City Council are as follows:

Mark Burton
Rita Crabtree-Kampe
Frank Chiella
Suzanne Hadley
Amy Howorth
Stewart L. Fournier
David Lesser

That the measures voted upon at the election are as follows:

Measure MB: Shall a measure repealing Manhattan Beach's existing prohibition of all commercial cannabis activity; allowing three cannabis retailers within city limits; allowing the Manhattan Beach City Council discretion to legalize other cannabis

uses; and imposing operational, design, and location requirements on such businesses, be adopted?

Measure V: Shall the measure readopting Manhattan Beach's existing: (1) prohibition of all commercial cannabis activities in the City; and (2) allowance of limited indoor cannabis cultivation consistent with state law, be adopted?

SECTION 3. That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates and for and against the measure were as listed in Exhibit A attached.

SECTION 4. The City Council does declare and determine that: Amy Howorth and David Lesser were elected as Members of the City Council for the full term of four years.

That as a result of the election, a majority of the voters voting on the citizen – initiated Measure MB relating to repealing the City's existing prohibition of all commercial cannabis activity did not vote in favor of it, and that the measure was not carried, and shall not be deemed adopted and ratified.

That as a result of the election, a majority of the voters voting on Measure V relating to reaffirming the City's existing prohibition of commercial cannabis activity did vote in favor of it, and that the measure was carried, and shall be deemed adopted and ratified under Ordinance No. 22-0013.

SECTION 5. The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing: (1) The whole number of ballots cast in the City; (2) The names of the persons voted for; (3) The measures voted upon; (4) For what office each person was voted for; (5) The number of votes given at each precinct to each person, and for and against each measures; (6) The total number of votes given to each person, and for and against each measure.

SECTION 6. That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED on December 13, 2022.

AYES:

NOES:

ABSENT:

ABSTAIN:

STEVE NAPOLITANO
Mayor

ATTEST:

LIZA TAMURA
City Clerk



**LOS ANGELES COUNTY
REGISTRAR-RECORDER/COUNTY CLERK**

DEAN C. LOGAN
Registrar-Recorder/County Clerk

December 5, 2022

Liza Tamura, City Clerk
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, California 90266

Dear City Clerk:

Enclosed are the Official Canvass Certificate and the Official Statement of Votes Cast by precinct for the City of Manhattan Beach General and Special Municipal Election consolidated with the General Election held on November 8, 2022.

Please call the Election Planning Section at (562) 462-2317, if you have any questions.

Sincerely,

DEAN C. LOGAN
Registrar-Recorder/County Clerk

SONIA CORONA, Head
Election Planning Section

Enclosures
Official Canvass Certificate
Official Statement of Votes Cast

RECEIVED
2022 DEC -7 PM 3:11
CITY CLERK'S OFFICE
MANHATTAN BEACH, CA

J 2022EF GeneralElec. Nov2022 CanvassCert.CityLetter

*Los Angeles County
Registrar-Recorder/County Clerk*

Certificate of the Canvass of the Election Returns

I, DEAN C. LOGAN, Registrar-Recorder/County Clerk of the County of Los Angeles, of the State of California, DO HEREBY CERTIFY that pursuant to the provisions of Section 15300 et seq. of the California Elections Code, I did canvass the returns of the votes cast for each elective office and/or measure(s) for

Manhattan Beach City

at the General Election, held on the 8th day of November, 2022.

I FURTHER CERTIFY that the Statement of Votes Cast, to which this certificate is attached, shows the total number of ballots cast in said jurisdiction, and that the whole number of votes cast for each candidate and/or measure(s) in said jurisdiction in each of the respective precincts therein, and the totals of the respective columns and the totals as shown for each candidate and/or measure(s) are full, true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 5th day of December, 2022.



Dean C. Logan

DEAN C. LOGAN
Registrar-Recorder/County Clerk
County of Los Angeles

COUNTY OF LOS ANGELES - GENERAL ELECTION

FINAL OFFICIAL STATEMENT OF VOTES CAST BY PRECINCT	LOCATION	REGISTRATION	BALLOTS CAST	MANHATTAN BEACH CITY GEN COUNCILMEMBER											
				MARK BURTON	R CRABTREE-KAMPE	FRANK CHIHELLA	SUZANNE HADLEY	AMY HOWORTH	STEWART L. FOURNIER	DAVID LESSER					
MANHATTAN BEACH - 4100005A	SERIAL 0632	2785	363	67	69	102	138	113	9	106					
VOTE BY MAIL			1490	302	231	344	443	564	78	600					
TOTAL			1853	369	300	446	581	677	87	706					
MANHATTAN BEACH - 4100014A	SERIAL 0633	4196	502	65	149	143	208	141	12	117					
VOTE BY MAIL			2374	410	558	404	723	992	103	961					
TOTAL			2876	475	707	547	931	1133	115	1078					
MANHATTAN BEACH - 4100017A	SERIAL 0634		408	61	124	105	178	126	19	115					
VOTE BY MAIL			2084	336	380	332	606	974	115	934					
TOTAL			2492	397	504	437	784	1100	134	1049					
MANHATTAN BEACH - 4100024A*	SERIAL 6894		0	0	0	0	0	0	0	0					
VOTE BY MAIL			0	0	0	0	0	0	0	0					
TOTAL			0	0	0	0	0	0	0	0					
MANHATTAN BEACH - 4100028A	SERIAL 0635	3998	395	58	65	106	156	146	11	134					
VOTE BY MAIL			2392	412	339	438	610	1074	110	1079					
TOTAL			2787	470	404	544	766	1220	121	1213					
MANHATTAN BEACH - 4100034A	SERIAL 0636	2916	372	62	85	83	140	121	17	101					
VOTE BY MAIL			1624	323	262	255	424	718	111	663					
TOTAL			1996	385	347	338	584	839	128	764					
MANHATTAN BEACH - 4100040A	SERIAL 0637	2855	328	50	77	85	132	108	12	83					
VOTE BY MAIL			1548	241	222	248	387	763	90	688					
TOTAL			1876	291	299	333	519	871	102	771					
MANHATTAN BEACH - 4100050A	SERIAL 0638		373	70	80	108	150	91	15	80					
VOTE BY MAIL			1382	259	216	342	409	523	54	480					
TOTAL			1755	329	296	450	559	614	69	560					
MANHATTAN BEACH - 4100061A	SERIAL 0639	3350	480	63	111	130	200	162	24	161					
VOTE BY MAIL			1941	288	288	364	618	902	110	895					
TOTAL			2421	351	399	494	818	1064	134	1056					
BALLOT GROUP 244 - 9990244A*	SERIAL 8244		0	0	0	0	0	0	0	0					
VOTE BY MAIL			0	0	0	0	0	0	0	0					
TOTAL			0	0	0	0	0	0	0	0					
BALLOT GROUP 250 - 9990250A*	SERIAL 8250		0	0	0	0	0	0	0	0					
VOTE BY MAIL			0	0	0	0	0	0	0	0					
TOTAL			0	0	0	0	0	0	0	0					

MANHATTAN BEACH CITY GEN
COUNCILMEMBER

FINAL OFFICIAL
STATEMENT OF VOTES CAST
BY PRECINCT

LOCATION	REGIST- RATION	BALLOTS CAST	MARK BURTON	R CRABTREE- KAMPE	FRANK CHIELLA	SUZANNE HADLEY	AMY HOWORTH	STEWART L FOURNIER	DAVID LESSER
PRECINCT TOTAL		3221	496	760	862	1302	1008	119	897
VBM TOTAL		14835	2571	2496	2727	4220	6510	771	6300
GRAND TOTAL	26444	18056	3067	3256	3589	5522	7518	890	7197

MANHATTAN BEACH CITY GEN MEASURE MB

FINAL OFFICIAL STATEMENT OF VOTES CAST BY PRECINCT

LOCATION	REGIST-RATION	BALLOTS CAST	YES	NO						
MANHATTAN BEACH - 4100005A VOTE BY MAIL SERIAL 0632 TOTAL	2785	363 1490 1853	64 341 405	288 1088 1376						
MANHATTAN BEACH - 4100014A VOTE BY MAIL SERIAL 0633 TOTAL	4196	502 2374 2876	102 478 580	388 1817 2205						
MANHATTAN BEACH - 4100017A VOTE BY MAIL SERIAL 0634 TOTAL	3515	408 2084 2492	73 382 455	328 1631 1959						
MANHATTAN BEACH - 4100024A* VOTE BY MAIL SERIAL 6894 TOTAL	0	0 0 0	0 0 0	0 0 0						
MANHATTAN BEACH - 4100028A VOTE BY MAIL SERIAL 0635 TOTAL	3998	395 2392 2787	83 562 645	304 1706 2010						
MANHATTAN BEACH - 4100034A VOTE BY MAIL SERIAL 0636 TOTAL	2916	372 1624 1996	88 404 492	272 1143 1415						
MANHATTAN BEACH - 4100040A VOTE BY MAIL SERIAL 0637 TOTAL	2855	328 1548 1876	55 398 453	264 1101 1365						
MANHATTAN BEACH - 4100050A VOTE BY MAIL SERIAL 0638 TOTAL	2829	373 1382 1755	113 431 544	255 895 1150						
MANHATTAN BEACH - 4100061A VOTE BY MAIL SERIAL 0639 TOTAL	3350	480 1941 2421	74 346 420	396 1517 1913						
BALLOT GROUP 244 - 9990244A* VOTE BY MAIL SERIAL 8244 TOTAL	0	0 0 0	0 0 0	0 0 0						
BALLOT GROUP 250 - 9990250A* VOTE BY MAIL SERIAL 8250 TOTAL	0	0 0 0	0 0 0	0 0 0						

MANHATTAN BEACH CITY GEN MEASURE V

FINAL OFFICIAL STATEMENT OF VOTES CAST BY PRECINCT

LOCATION	REGIST-RATION	BALLOTS CAST	YES	NO						
MANHATTAN BEACH - 4100005A		363	232	111						
VOTE BY MAIL		1490	934	477						
TOTAL	2785	1853	1166	588						
MANHATTAN BEACH - 4100014A		502	324	157						
VOTE BY MAIL		2374	1587	672						
TOTAL	4196	2876	1911	829						
MANHATTAN BEACH - 4100017A		408	283	113						
VOTE BY MAIL		2084	1453	525						
TOTAL	3515	2492	1736	638						
MANHATTAN BEACH - 4100024A*		0	0	0						
VOTE BY MAIL		0	0	0						
TOTAL	0	0	0	0						
MANHATTAN BEACH - 4100028A		395	242	136						
VOTE BY MAIL		2392	1460	782						
TOTAL	3998	2787	1702	918						
MANHATTAN BEACH - 4100034A		372	228	128						
VOTE BY MAIL		1624	980	543						
TOTAL	2916	1996	1208	671						
MANHATTAN BEACH - 4100040A		328	204	110						
VOTE BY MAIL		1548	964	524						
TOTAL	2855	1876	1168	634						
MANHATTAN BEACH - 4100050A		373	237	127						
VOTE BY MAIL		1382	776	531						
TOTAL	2829	1755	1013	658						
MANHATTAN BEACH - 4100061A		480	324	140						
VOTE BY MAIL		1941	1350	488						
TOTAL	3350	2421	1674	628						
BALLOT GROUP 244 - 9990244A^		0	0	0						
VOTE BY MAIL		0	0	0						
TOTAL	0	0	0	0						
BALLOT GROUP 250 - 9990250A^		0	0	0						
VOTE BY MAIL		0	0	0						
TOTAL	0	0	0	0						

ORDINANCE NO. 22-0013

AN ORDINANCE OF THE PEOPLE OF THE CITY OF MANHATTAN BEACH RE-ADOPTING ORDINANCE NOS. 17-0024 AND 17-0025 TO CONTINUE TO PROHIBIT ALL COMMERCIAL CANNABIS ACTIVITIES IN THE CITY, AND DECLARING A CONFLICT WITH MEASURE MB ON THE NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION, AND MAKING A FINDING OF EXEMPTION FROM CEQA UNDER SECTION 15061(b)(3) OF THE CEQA GUIDELINES

NOW, THEREFORE, THE PEOPLE OF THE CITY OF MANHATTAN BEACH DO ORDAIN AS FOLLOWS:

SECTION 1. Intent; Conflicting Measure. It is the intent of the voters that, pursuant to California Elections Code Section 9221, this Ordinance conflicts with Measure MB on the November 8, 2022 General Municipal Election ballot and, if the measure adopting this Ordinance receives more affirmative votes, this Ordinance shall control and Measure MB shall have no effect.

SECTION 2. On November 7, 2017, and in full compliance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), and Adult Use of Marijuana Act (AUMA), the Manhattan Beach City Council adopted Ordinance No. 17-0024 to amend the Manhattan Beach Municipal Code and Ordinance No. 17-0025 to amend the Manhattan Beach Local Coastal Program to, *inter alia*, prohibit all commercial cannabis activity in all zones in the City. Ordinance No. 17-0025 was subsequently certified by the California Coastal Commission.

SECTION 3. Re-Adoption. Ordinance Nos. 17-0024 and 17-0025, as attached hereto as exhibits A and B and incorporated herein by this reference, are hereby re-adopted in full by the voters of the City of Manhattan Beach. It is the intent of the voters to continue to prohibit, without any interruption, all commercial cannabis activities (as defined in the above-referenced ordinances) in the City of Manhattan Beach, and to maintain the other terms and provisions of Ordinance No. 17-0024 and Ordinance No. 17-0025.

SECTION 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The voters hereby declare that they would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. Restatement of Existing Law. Neither the adoption of this Ordinance nor the repeal of any other Ordinance of the City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor

be construed as a waiver of any penalty or the penal provisions applicable to any violation thereof.

SECTION 6. Effective Date. This Ordinance shall take effect 10 days after the date the vote is declared by the City Council, and no conflicting ordinance shall take effect prior to the effective date of this Ordinance. The City Clerk shall take all actions necessary to publish this ordinance or a summary if required by law, and the Mayor is directed to sign this Ordinance upon its adoption.

SECTION 7. Notification. The City Attorney shall send a copy of this Ordinance and the ordinances it re-adopts to the Bureau of Cannabis Control immediately following its effective date.

SECTION 8. CEQA Exemption. The City Council’s action to place this Ordinance on the ballot and the voters’ adoption of this Ordinance are exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the ordinances re-adopted to continue to prohibit all commercial cannabis activities will have a significant effect on the environment since this represents no change from current law in the City. Since the re-adopted ordinances continue to prohibit all commercial activities and uses it will not result in changes in land use or density and will not have a significant environmental impact. Further, this ordinance is not a “project” within the meaning of CEQA. A Notice of Exemption shall be filed with the County Clerk of the County of Los Angeles in accordance with CEQA Guidelines.

SECTION 9. The City Clerk is hereby directed to insert the letter of the conflicting measure into the appropriate places in this Ordinance upon receiving the letter designation for such measure from Los Angeles County.

ADOPTED by the voters at the General Municipal Election held November 8, 2022, by the following vote:

YES: 11,578
NO: 5,564

STEVE NAPOLITANO
Mayor

ATTEST:

LIZA TAMURA
City Clerk

EXHIBIT A
ORDINANCE NO. 17-0024

ORDINANCE NO. 17-0024

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING MUNICIPAL CODE TITLE 10 TO ADD THERETO CHAPTER 10.82 PROHIBITING ALL COMMERCIAL CANNABIS ACTIVITY IN ALL ZONES IN THE CITY, AND TO ALLOW LIMITED INDOOR CANNABIS CULTIVATION CONSISTENT WITH STATE LAW, AMENDING MUNICIPAL CODE SECTION 4.117.020 AND CHAPTER 4.136 OF TITLE 4, AND DELETING MUNICIPAL CODE SECTION 10.60.160

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. On September 13, 2017, the Planning Commission conducted a duly noticed public hearing and adopted Resolution No. 17-07 recommending that the City Council adopt the proposed text Amendments to Title 10 to prohibit commercial cannabis and allow limited indoor cannabis.

SECTION 2. On October 17, 2017, the City Council held a duly noticed public hearing regarding the proposed Code Amendments, and following receipt of all public testimony, closed the public hearing.

SECTION 3. The proposed text amendments are consistent with the following General Plan Goals and Policies:

Land Use Element Goal LU-5 : Protect residential neighborhoods from the intrusion of inappropriate and incompatible uses.

Community Safety Element Goal CS-1: Minimize the risks to public health, safety, and welfare resulting from natural and human-caused hazards.

SECTION 4. The proposed text amendments have been prepared in accordance with the provisions of Title 7, Division 4, Section 65853, et seq., of the State of California Government Code.

SECTION 5. Section 10.60.160 (Medical Marijuana Dispensaries) of Chapter 10.60 (Site Regulations – All Districts) of Title 10 (Planning and Zoning) is hereby deleted in its entirety.

SECTION 6. Chapter 4.136 (Medical Marijuana Delivery) of Title 4 (Public Welfare, Morals and Conduct) is hereby amended in its entirety to read as follows:

“Chapter 4.136 CANNABIS ACTIVITIES

Section 4.136.010 Definitions.

Section 4.136.020 Prohibitions.

Section 4.136.030 Violation.

Section 4.136.010 Definitions.

A. "Cannabis" means all parts of the plant *Cannabis sativa linnaeus*, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis, and any product containing cannabis. "Cannabis" includes cannabis that is used for medical, non-medical, or other purposes.

"Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. "Cannabis" also does not include industrial hemp, as defined in California Health and Safety Code section 11018.5, as the same may be amended from time to time.

B. "Cannabis products" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

C. "Commercial cannabis activity" means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, packaging, transportation, delivery or sale of cannabis and cannabis products, for medical, non-medical or any other purpose, and includes the activities of any business licensed by the State or other government entity under Division 10 of the California Business and Professions Code, or any other provision of State law that regulates the licensing of cannabis businesses.

D. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

E. "Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer.

F. "Fully enclosed and secure structure" means a space within a building, greenhouse or other structure which has a complete solid roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and inaccessible to minors.

G. "Indoors" means within a fully enclosed and secure structure.

H. "Outdoors" means any location that is not within a fully enclosed and secure structure.

I. "Person" means any individual, firm, partnership, joint venture, association, corporation, limited liability company, collective, cooperative, club, society, organization,

non-profit, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

J. "Smoke" means to inhale, exhale, burn, or carry any lighted or heated device or pipe, or any other lighted or heated cannabis or cannabis product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoke" includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in a place.

Section 4.136.020 Prohibitions.

A. It is unlawful for any person to own, manage, establish, conduct, or operate, or to participate as a landlord, owner, employee, contractor, agent or volunteer, or in any other manner or capacity, in any commercial cannabis activity in the city. The city shall not approve any application for a building permit, conditional use permit, business license, or any other entitlement authorizing the establishment, operation, maintenance, development, or construction of any use that allows for commercial cannabis activity.

B. It is unlawful for any person to own, manage, conduct, or operate any cannabis delivery, or to participate as an employee, contractor, agent, or volunteer, in any manner or capacity, in any cannabis delivery in the city.

C. It is unlawful for any person to cultivate cannabis outdoors. Indoor cannabis cultivation is prohibited except as specified in section 10.82.040(A)(5) of this Code.

D. In accordance with Health and Safety Code Section 11362.3, as the same may be amended from time to time, it is unlawful for any person to smoke or ingest cannabis or cannabis products in a public place, or in any location where smoking tobacco is prohibited.

This Section shall be read and interpreted in conjunction with Municipal Code Chapter 10.82. It is the intent of the City Council to prohibit all commercial cannabis activity and uses in the City that are not otherwise preempted by State law.

Section 4.136.030 Violation.

Violations of this chapter are subject to the penalty provisions set forth in Municipal Code Chapters 1.04 and 1.06. In the discretion of the City Prosecutor, a violation of this chapter may be prosecuted as an infraction or misdemeanor. In any civil action brought pursuant to this chapter, a court of competent jurisdiction may award reasonable attorneys' fees and costs to the prevailing party. Notwithstanding the penalties set forth in Municipal Code Chapters 1.04 and 1.06, this chapter does not authorize a criminal prosecution, arrest or penalty inconsistent with or prohibited by Health and Safety Code Section 11362.71 *et seq.* or Section 11362.1 *et seq.*, as the same may be amended from time to time. In the event of any conflict between the penalties enumerated under Municipal Code Chapters 1.04 and 1.06, and any penalties set forth in state law, the maximum penalties allowable under state law shall govern."

SECTION 7. Chapter 10.82 is hereby added to Title 10 (Planning and Zoning) to read as follows:

“Chapter 10.82 CANNABIS

- Section 10.82.010 Definitions.**
- Section 10.82.020 Prohibitions.**
- Section 10.82.030 Exceptions.**
- Section 10.82.040 Violation.**

10.82.010 Definitions.

For purposes of this chapter, the following definitions shall apply.

A. “Cannabis” means all parts of the plant *Cannabis sativa linnaeus*, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis, and any product containing cannabis. “Cannabis” includes cannabis that is used for medical, non-medical, or other purposes.

“Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. “Cannabis” also does not include industrial hemp, as defined in California Health and Safety Code section 11018.5, as the same may be amended from time to time.

B. “Cannabis accessories” means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body.

C. “Cannabis products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

D. “Commercial cannabis activity” means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, packaging, transportation, delivery or sale of cannabis and cannabis products, for medical, non-medical or any other purpose, and includes the activities of any business licensed by the State or other government entity under Division 10 of the California Business and Professions Code, or any other provision of State law that regulates the licensing of cannabis businesses.

E. "Concentrated cannabis" means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate.

F. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

G. "Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer.

H. "Distribution" means the procurement, sale, and transport of cannabis and cannabis products between entities licensed under Division 10 of the California Business and Professions Code, as the same may be amended from time to time.

I. "Fully enclosed and secure structure" means a space within a building, greenhouse or other structure which has a complete solid roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and inaccessible to minors.

J. "Indoors" means within a fully enclosed and secure structure.

K. "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

L. "MAUCRSA" means the Medicinal and Adult-Use Cannabis Regulation and Safety Act, as codified in Division 10 of the California Business and Professions Code, as the same may be amended from time to time.

M. "Outdoors" means any location that is not within a fully enclosed and secure structure.

N. "Person" means any individual, firm, partnership, joint venture, association, corporation, limited liability company, collective, cooperative, club, society, organization, non-profit, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

O. "Private residence" means a house, an apartment unit, a condominium unit, a mobile home, or other similar dwelling, that is lawfully used as a residence.

10.82.020 Prohibitions.

A. Commercial cannabis activity, whether or not for profit, is not a permitted use anywhere in the city. The city shall not approve any application for a building permit, conditional use permit, business license, or any other entitlement authorizing the establishment, operation, maintenance, development, or construction of any use that allows for commercial cannabis activity. This section shall prohibit all activities for which a State license is required pursuant to the MAUCRSA, as the same may be amended from time to time.

B. It shall be unlawful for any person to own, manage, establish, conduct, or operate, or to participate as a landlord, owner, employee, contractor, agent or volunteer, or in any other manner or capacity, in any commercial cannabis activity in the city.

C. To the extent not already prohibited by subsection A above, all deliveries of cannabis or cannabis products to or from any location in the city are expressly prohibited. No person shall conduct or perform any delivery of any cannabis or cannabis products, which delivery either originates or terminates within the city. This subsection shall not prohibit any person from transporting cannabis through the jurisdictional limits of the city for delivery or distribution to a person located outside the city, where such transport does not involve delivery or distribution within the jurisdictional limits of the city.

D. All outdoor cannabis cultivation is prohibited in the city. Indoor cannabis cultivation is prohibited except as specified in section 10.82.040(A)(5).

10.82.030 Exceptions.

A. To the extent that the following activities are permitted by State law, nothing in this chapter shall prohibit a person 21 years of age or older from:

1. Possessing, processing, purchasing, transporting, obtaining or giving away to persons 21 years of age or older, without compensation whatsoever, not more than 28.5 grams of cannabis not in the form of concentrated cannabis;

2. Possessing, processing, purchasing, transporting, obtaining or giving away to persons 21 years of age or older, without compensation whatsoever, up to eight grams of cannabis in the form of concentrated cannabis;

3. Possessing, transporting, purchasing, obtaining, using, manufacturing, or giving away cannabis accessories to persons 21 years of age or older without compensation whatsoever; or

4. Engaging in the indoor cultivation of six or fewer live cannabis plants within a single private residence or inside an accessory structure located upon the grounds of a private residence that is fully enclosed and secured, to the extent such cultivation is authorized by California Health and Safety Code sections 11362.1 and 11362.2, as the same may be amended from time to time.

B. This chapter shall also not prohibit any commercial cannabis activity that the city is required by law to permit within its jurisdiction pursuant to state law.

10.82.040 Violation.

Violations of this chapter are subject to the penalty provisions set forth in Municipal Code Chapters 1.04 and 1.06. In the discretion of the City Prosecutor, a violation of this chapter may be prosecuted as an infraction or misdemeanor. In any civil action brought pursuant to this chapter, a court of competent jurisdiction may award reasonable attorneys' fees and costs to the prevailing party. Notwithstanding the penalties set forth in Municipal Code Chapters 1.04 and 1.06, this chapter does not authorize a criminal prosecution, arrest or penalty inconsistent with or prohibited by Health and Safety Code

Section 11362.71 *et seq.* or Section 11362.1 *et seq.*, as the same may be amended from time to time. In the event of any conflict between the penalties enumerated under Municipal Code Chapters 1.04 and 1.06, and any penalties set forth in state law, the maximum penalties allowable under state law shall govern.”

SECTION 8. Section 4.117.020 (Definitions) of Chapter 4.117 (Regulation of Smoking in Multi-unit Housing) of Title 4 (Public Welfare, Morals and Conduct) is hereby amended to revise the definition of “Smoke” with all other provisions of Section 4.117.020 remaining unchanged:

““Smoke” shall have the meaning ascribed in Section 4.116.020 of this Code.”

SECTION 9. CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION. The City Council determines that this ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the “CEQA Guidelines”). It can be seen with certainty that there is no possibility that the adoption of this Ordinance, and the regulations established hereby, may have a significant effect on the environment, and the action taken herein is not a “project” within the meaning of CEQA.

SECTION 10. INTERNAL CONSISTENCY. Any provisions of the Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

SECTION 11. SEVERABILITY. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or their application and, to this end, the provisions of this Ordinance are severable.

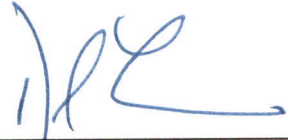
SECTION 12. SAVINGS CLAUSE. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City, or within the territory comprising the City, shall waive of any license, fee or penalty or the penal provisions applicable to any violation of such ordinance.

SECTION 13. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.

SECTION 14. EFFECTIVE DATE. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.


ADOPTED on November 7, 2017.

AYES: Montgomery, Hersman, Napolitano, Howorth and Mayor Lesser.
NOES: None.
ABSENT: None.
ABSTAIN: None.



DAVID LESSER
Mayor

ATTEST:



LIZA TAMURA
City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF MANHATTAN BEACH)

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance, being Ordinance No. 17-0024 was duly passed and adopted by the said City Council, approved and signed by the Mayor, and attested by the City Clerk, of said City, all at a regular meeting of the said Council duly and regularly held on the 7th day of November 2017, and that the same was so passed and adopted by the following vote, to wit:

Ayes: Montgomery, Hersman, Napolitano, Howorth and Mayor Lesser.
Noes: None.
Absent: None.
Abstain: None.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 8th day of November, 2017.



City Clerk of the City of
Manhattan Beach, California

(SEAL)

CERTIFICATE OF PUBLICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF MANHATTAN BEACH)

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that Ordinance No. 17-0024 has been duly and regularly published according to law and the order of the City Council of said City and that same was so published in The Beach Reporter, a weekly newspaper of general circulation on the following date, to wit November 16th, 2017 and in witness whereof, I have hereunto subscribed my name this 17th day of November, 2017.



City Clerk of the City of
Manhattan Beach, California

EXHIBIT B

ORDINANCE NO. 17-0025

ORDINANCE NO. 17-0025

ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING LOCAL COASTAL PROGRAM TITLE A TO ADD THERETO CHAPTER A.82 PROHIBITING ALL COMMERCIAL CANNABIS ACTIVITY IN ALL ZONES IN THE CITY, AND TO ALLOW LIMITED INDOOR CANNABIS CULTIVATION CONSISTENT WITH STATE LAW, AND DELETING LOCAL COASTAL PROGRAM SECTION A.60.160

THE CITY OF MANHATTAN BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. On September 13, 2017, the Planning Commission conducted a duly noticed public hearing and adopted Resolution No. 17-07 recommending that the City Council adopt the proposed text Amendments to Title A to prohibit commercial cannabis and allow limited indoor cannabis.

SECTION 2. On October 17, 2017, the City Council held a duly noticed public hearing regarding the proposed Code Amendments, and following receipt of all public testimony, closed the public hearing.

SECTION 3. The proposed text amendments are consistent with the following Local Coastal Program Policy:

II. Coastal Locating and Planning New Development Policy- Policy II.1: Control Development within the Manhattan Beach coastal zone.

SECTION 4. The proposed text amendments have been prepared in accordance with the provisions of Title 7, Division 4, Section 65853, et seq., of the State of California Government Code.

SECTION 5. Section A.60.160 (Medical Marijuana Dispensaries) of Chapter A.60 (Site Regulations – All Districts) of Title A (Planning and Zoning) is hereby deleted in its entirety.

SECTION 6. Chapter A.82 is hereby added to Title A (Planning and Zoning) to read as follows:

“Chapter A.82 CANNABIS

Section A.82.010 Definitions.
Section A.82.020 Prohibitions.
Section A.82.030 Exceptions.
Section A.82.040 Violation.

A.82.10 Definitions.

For purposes of this chapter, the following definitions shall apply.

A. "Cannabis" means all parts of the plant *Cannabis sativa linnaeus*, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis, and any product containing cannabis. "Cannabis" includes cannabis that is used for medical, non-medical, or other purposes.

"Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. "Cannabis" also does not include industrial hemp, as defined in California Health and Safety Code section 11018.5, as the same may be amended from time to time.

B. "Cannabis accessories" means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body.

C. "Cannabis products" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

D. "Commercial cannabis activity" means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, packaging, transportation, delivery or sale of cannabis and cannabis products, for medical, non-medical or any other purpose, and includes the activities of any business licensed by the State or other government entity under Division 10 of the California Business and Professions Code, or any other provision of State law that regulates the licensing of cannabis businesses.

E. "Concentrated cannabis" means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate.

F. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

G. "Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer.

H. "Distribution" means the procurement, sale, and transport of cannabis and cannabis products between entities licensed under Division 10 of the California Business and Professions Code, as the same may be amended from time to time.

I. "Fully enclosed and secure structure" means a space within a building, greenhouse or other structure which has a complete solid roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and inaccessible to minors.

J. "Indoors" means within a fully enclosed and secure structure.

K. "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

L. "MAUCRSA" means the Medicinal and Adult-Use Cannabis Regulation and Safety Act, as codified in Division 10 of the California Business and Professions Code, as the same may be amended from time to time.

M. "Outdoors" means any location that is not within a fully enclosed and secure structure.

N. "Person" means any individual, firm, partnership, joint venture, association, corporation, limited liability company, collective, cooperative, club, society, organization, non-profit, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

O. "Private residence" means a house, an apartment unit, a condominium unit, a mobile home, or other similar dwelling, that is lawfully used as a residence.

A.82.020 Prohibitions.

A. Commercial cannabis activity, whether or not for profit, is not a permitted use anywhere in the city. The city shall not approve any application for a building permit, conditional use permit, business license, or any other entitlement authorizing the establishment, operation, maintenance, development, or construction of any use that allows for commercial cannabis activity. This section shall prohibit all activities for which a State license is required pursuant to the MAUCRSA, as the same may be amended from time to time.

B. It shall be unlawful for any person to own, manage, establish, conduct, or operate, or to participate as a landlord, owner, employee, contractor, agent or volunteer, or in any other manner or capacity, in any commercial cannabis activity in the city.

C. To the extent not already prohibited by subsection A above, all deliveries of cannabis or cannabis products to or from any location in the city are expressly prohibited. No person shall conduct or perform any delivery of any cannabis or cannabis products, which delivery either originates or terminates within the city. This subsection shall not prohibit any person from transporting cannabis through the jurisdictional limits of the city for delivery or distribution to a person located outside the city, where such transport does not involve delivery or distribution within the jurisdictional limits of the city.

D. All outdoor cannabis cultivation is prohibited in the city. Indoor cannabis cultivation is prohibited except as specified in section A.82.040(A)(5).

A.82.030 Exceptions.

A. To the extent that the following activities are permitted by State law, nothing in this chapter shall prohibit a person 21 years of age or older from:

1. Possessing, processing, purchasing, transporting, obtaining or giving away to persons 21 years of age or older, without compensation whatsoever, not more than 28.5 grams of cannabis not in the form of concentrated cannabis;

2. Possessing, processing, purchasing, transporting, obtaining or giving away to persons 21 years of age or older, without compensation whatsoever, up to eight grams of cannabis in the form of concentrated cannabis;

3. Possessing, transporting, purchasing, obtaining, using, manufacturing, or giving away cannabis accessories to persons 21 years of age or older without compensation whatsoever; or

4. Engaging in the indoor cultivation of six or fewer live cannabis plants within a single private residence or inside an accessory structure located upon the grounds of a private residence that is fully enclosed and secured, to the extent such cultivation is authorized by California Health and Safety Code sections 11362.1 and 11362.2, as the same may be amended from time to time.

B. This chapter shall also not prohibit any commercial cannabis activity that the city is required by law to permit within its jurisdiction pursuant to state law.

A.82.040 Violation.

Violations of this chapter are subject to the penalty provisions set forth in Municipal Code Chapters 1.04 and 1.06. In the discretion of the City Prosecutor, a violation of this chapter may be prosecuted as an infraction or misdemeanor. In any civil action brought pursuant to this chapter, a court of competent jurisdiction may award reasonable attorneys' fees and costs to the prevailing party. Notwithstanding the penalties set forth in Municipal Code Chapters 1.04 and 1.06, this chapter does not authorize a criminal prosecution, arrest or penalty inconsistent with or prohibited by Health and Safety Code Section 11362.71 *et seq.* or Section 11362.1 *et seq.*, as the same may be amended from time to time. In the event of any conflict between the penalties enumerated under Municipal Code Chapters 1.04 and 1.06, and any penalties set forth in state law, the maximum penalties allowable under state law shall govern."

SECTION 7. CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION. The City Council determines that this ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines"). It can be seen with certainty that there is no possibility that the adoption of this Ordinance, and the regulations established hereby, may have a significant effect on the environment, and the action taken herein is not a "project" within the meaning of CEQA.

SECTION 8. INTERNAL CONSISTENCY. Any provisions of the Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

SECTION 9. SEVERABILITY. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or their application and, to this end, the provisions of this Ordinance are severable.

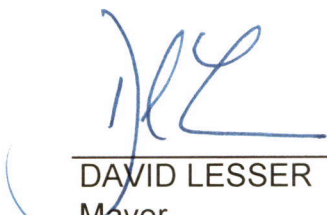
SECTION 10. SAVINGS CLAUSE. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City, or within the territory comprising the City, shall waive of any license, fee or penalty or the penal provisions applicable to any violation of such ordinance.

SECTION 11. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.

SECTION 12. EFFECTIVE DATE. This Ordinance shall go into effect and be in full force and effect after certification by the California Coastal Commission.


ADOPTED on November 7, 2017.

AYES: Montgomery, Hersman, Napolitano, Howorth and Mayor Lesser.
NOES: None.
ABSENT: None.
ABSTAIN: None.



DAVID LESSER
Mayor

ATTEST:



LIZA TAMURA
City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF MANHATTAN BEACH)

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance, being Ordinance No. 17-0025 was duly passed and adopted by the said City Council, approved and signed by the Mayor, and attested by the City Clerk, of said City, all at a regular meeting of the said Council duly and regularly held on the 7th day of November 2017, and that the same was so passed and adopted by the following vote, to wit:

Ayes: Montgomery, Hersman, Napolitano, Howorth and Mayor Lesser.
Noes: None.
Absent: None.
Abstain: None.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 8th day of November, 2017.



City Clerk of the City of
Manhattan Beach, California

(SEAL)

CERTIFICATE OF PUBLICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF MANHATTAN BEACH)

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that Ordinance No. 17-0025 has been duly and regularly published according to law and the order of the City Council of said City and that same was so published in The Beach Reporter, a weekly newspaper of general circulation on the following date, to wit November 16th, 2017 and in witness whereof, I have hereunto subscribed my name this 17th day of November, 2017.



City Clerk of the City of
Manhattan Beach, California



CITY OF MANHATTAN BEACH

1400 Highland Avenue Manhattan Beach, CA 90266
www.manhattanbeach.gov • (310) 802-5000

STAFF REPORT

Agenda Date: 12/13/2022

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Liza Tamura, City Clerk
Martha Alvarez, Assistant City Clerk

SUBJECT:

City Council Reorganization:

- a) Recognition of Outgoing City Councilmember Suzanne Hadley
- b) Recognition of Outgoing City Councilmember Hildy Stern
- c) Oath of Office to Newly Elected City Councilmember Amy Howorth
- d) Oath of Office to Newly Elected City Councilmember David Lesser (City Clerk Tamura).

PRESENT AND ACCEPT

RECOMMENDATION:

Staff recommends that the City Council recognize outgoing City Councilmembers Suzanne Hadley and Hildy Stern for their commitment and dedication to the City of Manhattan Beach; and accept the Oath of Office from newly elected City Councilmembers Amy Howorth and David Lesser.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with the recommended action.

BACKGROUND/DISCUSSION:

Following the certification of the election results, § 10265 of the California Elections Code requires that the City Clerk, serving as the elections official, immediately sign and deliver to each newly elected officer a Certificate of Election. The elections official is also required to administer to each person elected the Oath of Office prescribed in the California Constitution.

The certification of the election results from the Los Angeles County/Registrar-Recorder County Clerk's office is attached.

The following candidates were elected to the two City Councilmember seats:

1. Amy Howorth: 7,518 votes received.
2. David Lesser: 7,197 votes received.

City Council Seating Order

Past precedent has used the vote count results to determine the order of seating. This has been done to follow the spirit of Government Code section 57377 which uses vote count to determine seating when the first city council of any new city is seated. However, staff has not been able to locate a written local policy, to this affect, for the existing seating order.

Based on the past precedence, the newly elected members would be seated in order based on the number of votes they received. Councilmember Howorth received the highest number of votes, followed by Councilmember Lesser. This order will determine who becomes Mayor and Mayor Pro Tem in upcoming City Council reorganizations. Each will serve 9.5 months as mayor in this stated order.

PUBLIC OUTREACH:

After analysis, staff determined that public outreach was not required for this issue.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under § 15378 of the State CEQA Guidelines; therefore, pursuant to § 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENT:

1. Certification - Election Results of November 8, 2022, General Municipal Elections

*Los Angeles County
Registrar-Recorder/County Clerk*

Certificate of the Canvass of the Election Returns

I, DEAN C. LOGAN, Registrar-Recorder/County Clerk of the County of Los Angeles, of the State of California, DO HEREBY CERTIFY that pursuant to the provisions of Section 15300 et seq. of the California Elections Code, I did canvass the returns of the votes cast for each elective office and/or measure(s) for

Manhattan Beach City

at the General Election, held on the 8th day of November, 2022.

I FURTHER CERTIFY that the Statement of Votes Cast, to which this certificate is attached, shows the total number of ballots cast in said jurisdiction, and that the whole number of votes cast for each candidate and/or measure(s) in said jurisdiction in each of the respective precincts therein, and the totals of the respective columns and the totals as shown for each candidate and/or measure(s) are full, true and correct.

*IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this
5th day of December, 2022.*



Dean C. Logan

DEAN C. LOGAN
Registrar-Recorder/County Clerk
County of Los Angeles

FINAL OFFICIAL STATEMENT OF VOTES CAST BY PRECINCT			MANHATTAN BEACH CITY GEN COUNCILMEMBER											
LOCATION	REGISTRATION	BALLOTS CAST	MARK BURTON	R CRABTREE-KAMPE	FRANK CHIELLA	SUZANNE HADLEY	AMY HOWORTH	STEWART L FOURNIER	DAVID LESSER					
MANHATTAN BEACH - 4100005A		363	67	69	102	138	113	9	106					
VOTE BY MAIL SERIAL 0632		1490	302	231	344	443	564	78	600					
TOTAL	2785	1853	369	300	446	581	677	87	706					
MANHATTAN BEACH - 4100014A		502	65	149	143	208	141	12	117					
VOTE BY MAIL SERIAL 0633		2374	410	558	404	723	992	103	961					
TOTAL	4196	2876	475	707	547	931	1133	115	1078					
MANHATTAN BEACH - 4100017A		408	61	124	105	178	126	19	115					
VOTE BY MAIL SERIAL 0634		2084	336	380	332	606	974	115	934					
TOTAL	3515	2492	397	504	437	784	1100	134	1049					
MANHATTAN BEACH - 4100024A*		0	0	0	0	0	0	0	0					
VOTE BY MAIL SERIAL 6894		0	0	0	0	0	0	0	0					
TOTAL	0	0	0	0	0	0	0	0	0					
MANHATTAN BEACH - 4100028A		395	58	65	106	156	146	11	134					
VOTE BY MAIL SERIAL 0635		2392	412	339	438	610	1074	110	1079					
TOTAL	3998	2787	470	404	544	766	1220	121	1213					
MANHATTAN BEACH - 4100034A		372	62	85	83	140	121	17	101					
VOTE BY MAIL SERIAL 0636		1624	323	262	255	424	718	111	663					
TOTAL	2916	1996	385	347	338	564	839	128	764					
MANHATTAN BEACH - 4100040A		328	50	77	85	132	108	12	83					
VOTE BY MAIL SERIAL 0637		1548	241	222	248	387	763	90	688					
TOTAL	2855	1876	291	299	333	519	871	102	771					
MANHATTAN BEACH - 4100050A		373	70	80	108	150	91	15	80					
VOTE BY MAIL SERIAL 0638		1382	259	216	342	409	523	54	480					
TOTAL	2829	1755	329	296	450	559	614	69	560					
MANHATTAN BEACH - 4100061A		480	63	111	130	200	162	24	161					
VOTE BY MAIL SERIAL 0639		1941	288	288	364	618	902	110	895					
TOTAL	3350	2421	351	399	494	818	1064	134	1056					
BALLOT GROUP 244 - 9990244A^		0	0	0	0	0	0	0	0					
VOTE BY MAIL SERIAL 8244		0	0	0	0	0	0	0	0					
TOTAL	0	0	0	0	0	0	0	0	0					
BALLOT GROUP 250 - 9990250A^		0	0	0	0	0	0	0	0					
VOTE BY MAIL SERIAL 8250		0	0	0	0	0	0	0	0					
TOTAL	0	0	0	0	0	0	0	0	0					

FINAL OFFICIAL STATEMENT OF VOTES CAST BY PRECINCT			MANHATTAN BEACH CITY GEN COUNCILMEMBER											
LOCATION	REGISTRATION	BALLOTS CAST	MARK BURTON	R CRABTREE-KAMPE	FRANK CHIELLA	SUZANNE HADLEY	AMY HOWORTH	STEWART L FOURNIER	DAVID LESSER					
PRECINCT TOTAL		3221	496	760	862	1302	1008	119	897					
VBM TOTAL		14835	2571	2496	2727	4220	6510	771	6300					
GRAND TOTAL	26444	18056	3067	3256	3589	5522	7518	890	7197					

FINAL OFFICIAL STATEMENT OF VOTES CAST BY PRECINCT			MANHATTAN BEACH CITY GEN MEASURE MB											
LOCATION	REGIST-RATION	BALLOTS CAST	YES	NO										
MANHATTAN BEACH - 4100005A		363	64	288										
VOTE BY MAIL SERIAL 0632		1490	341	1088										
TOTAL	2785	1853	405	1376										
MANHATTAN BEACH - 4100014A		502	102	388										
VOTE BY MAIL SERIAL 0633		2374	478	1817										
TOTAL	4196	2876	580	2205										
MANHATTAN BEACH - 4100017A		408	73	328										
VOTE BY MAIL SERIAL 0634		2084	382	1631										
TOTAL	3515	2492	455	1959										
MANHATTAN BEACH - 4100024A^		0	0	0										
VOTE BY MAIL SERIAL 6894		0	0	0										
TOTAL	0	0	0	0										
MANHATTAN BEACH - 4100028A		395	83	304										
VOTE BY MAIL SERIAL 0635		2392	562	1706										
TOTAL	3998	2787	645	2010										
MANHATTAN BEACH - 4100034A		372	88	272										
VOTE BY MAIL SERIAL 0636		1624	404	1143										
TOTAL	2916	1996	492	1415										
MANHATTAN BEACH - 4100040A		328	55	264										
VOTE BY MAIL SERIAL 0637		1548	398	1101										
TOTAL	2855	1876	453	1365										
MANHATTAN BEACH - 4100050A		373	113	255										
VOTE BY MAIL SERIAL 0638		1382	431	895										
TOTAL	2829	1755	544	1150										
MANHATTAN BEACH - 4100061A		480	74	396										
VOTE BY MAIL SERIAL 0639		1941	346	1517										
TOTAL	3350	2421	420	1913										
BALLOT GROUP 244 - 9990244A^		0	0	0										
VOTE BY MAIL SERIAL 8244		0	0	0										
TOTAL	0	0	0	0										
BALLOT GROUP 250 - 9990250A^		0	0	0										
VOTE BY MAIL SERIAL 8250		0	0	0										
TOTAL	0	0	0	0										

FINAL OFFICIAL STATEMENT OF VOTES CAST BY PRECINCT			MANHATTAN BEACH CITY GEN MEASURE MB											
LOCATION	REGIST-RATION	BALLOTS CAST	YES	NO										
PRECINCT TOTAL		3221	652	2495										
VBM TOTAL		14835	3342	10898										
GRAND TOTAL	26444	18056	3994	13393										

FINAL OFFICIAL STATEMENT OF VOTES CAST BY PRECINCT			MANHATTAN BEACH CITY GEN MEASURE V											
LOCATION	REGISTRATION	BALLOTS CAST	YES	NO										
MANHATTAN BEACH - 4100005A		363	232	111										
VOTE BY MAIL SERIAL 0632		1490	934	477										
TOTAL	2785	1853	1166	588										
MANHATTAN BEACH - 4100014A		502	324	157										
VOTE BY MAIL SERIAL 0633		2374	1587	672										
TOTAL	4196	2876	1911	829										
MANHATTAN BEACH - 4100017A		408	283	113										
VOTE BY MAIL SERIAL 0634		2084	1453	525										
TOTAL	3515	2492	1736	638										
MANHATTAN BEACH - 4100024A*		0	0	0										
VOTE BY MAIL SERIAL 6894		0	0	0										
TOTAL	0	0	0	0										
MANHATTAN BEACH - 4100028A		395	242	136										
VOTE BY MAIL SERIAL 0635		2392	1460	782										
TOTAL	3998	2787	1702	918										
MANHATTAN BEACH - 4100034A		372	228	128										
VOTE BY MAIL SERIAL 0636		1624	980	543										
TOTAL	2916	1996	1208	671										
MANHATTAN BEACH - 4100040A		328	204	110										
VOTE BY MAIL SERIAL 0637		1548	964	524										
TOTAL	2855	1876	1168	634										
MANHATTAN BEACH - 4100050A		373	237	127										
VOTE BY MAIL SERIAL 0638		1382	776	531										
TOTAL	2829	1755	1013	658										
MANHATTAN BEACH - 4100061A		480	324	140										
VOTE BY MAIL SERIAL 0639		1941	1350	488										
TOTAL	3350	2421	1674	628										
BALLOT GROUP 244 - 9990244A^		0	0	0										
VOTE BY MAIL SERIAL 8244		0	0	0										
TOTAL	0	0	0	0										
BALLOT GROUP 250 - 9990250A^		0	0	0										
VOTE BY MAIL SERIAL 8250		0	0	0										
TOTAL	0	0	0	0										

FINAL OFFICIAL STATEMENT OF VOTES CAST BY PRECINCT			MANHATTAN BEACH CITY GEN MEASURE V													
LOCATION	REGIST-RATION	BALLOTS CAST	YES	NO												
PRECINCT TOTAL		3221	2074	1022												
VBM TOTAL		14835	9504	4542												
GRAND TOTAL	26444	18056	11578	5564												



CITY OF MANHATTAN BEACH

1400 Highland Avenue Manhattan Beach, CA 90266
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STAFF REPORT

Agenda Date: 12/13/2022

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager/Chief Administrative Officer

FROM:

Steve S. Charelian, Finance Director/Chief Financial Officer

SUBJECT:

Reorganization of the Manhattan Beach Capital Improvements Corporation to Fill the Seats Occupied by Suzanne Hadley and Hildy Stern (Finance Director/Chief Financial Officer Charelian).

APPROVE

RECOMMENDATION:

Staff recommends that the Board of Directors of the Manhattan Beach Capital Improvements Corporation appoint newly elected City Councilmembers Amy Howorth and David Lesser to fill the Boardmember seats currently occupied by City Councilmembers/Boardmembers Suzanne Hadley and Hildy Stern.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

The Manhattan Beach Capital Improvements Corporation (CIC) was formed in 1996 to facilitate issuance of debt for improvements to the water and wastewater system. It has been used since then as the conduit for a number of debt issues including the Police/Fire Facility, Metlox improvements, Marine Avenue Sports Fields and Fire Station No. 2. City Councilmembers serve as CIC Boardmembers.

DISCUSSION:

At the recent municipal election on November 8, 2022, the City electors elected Amy Howorth and David Lesser, to fill two City Council seats. Hildy Stern opted not to run for re-election and Suzanne Hadley ran as an incumbent. Accordingly, staff recommends that the City Council appoint Amy Howorth and David Lesser to fill the seats occupied by Suzanne Hadley and Hildy Stern.

PUBLIC OUTREACH:

After analysis, staff determined that public outreach was not required for this issue.

ENVIRONMENTAL REVIEW

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.



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STAFF REPORT

Agenda Date: 12/13/2022

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Liza Tamura, City Clerk
Martha Alvarez, Assistant City Clerk

SUBJECT:

Consideration and Approval of the 2023 City Council Meeting Calendar (City Clerk Tamura).

APPROVE

RECOMMENDATION:

Staff recommends that the City Council approve the City Council's 2023 meeting schedule.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

The purpose of the 2023 City Council meeting calendar is to provide the City Council, staff, and the public with advance notice of proposed meeting dates.

DISCUSSION:

Per Municipal Code Section 2.01.020, Staff outlined a meeting schedule for 2023 with regular City Council meetings held on the first and third Tuesday of the month. The proposed dates have been scheduled taking into consideration additional non-regular City Council meetings (Joint Meetings with the Boards and Commissions, Boards and Commissions Interviews, and Budget Study Sessions) and national holidays. The one exception for 2023 is the month of July, where the first monthly meeting is recommended to take place on Wednesday, July 5, 2023, to accommodate for the Fourth of July holiday on Tuesday.

Once the meeting schedule is approved by the City Council, it will be used by staff to create a tentative calendar to identify when items will likely be considered by the City Council. It is important to note that the tentative calendar is a fluid document that serves as an ongoing reference guide, and that items are frequently scheduled. The City Council is requested to

keep Tuesday evenings free so that meetings including closed sessions or study sessions, can be scheduled as the need arises.

PUBLIC OUTREACH:

After analysis, staff determined that public outreach was not required for this issue.

ENVIRONMENTAL REVIEW:

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it is a minor change that will not result in any direct or indirect physical change in the environment.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENT:

1. 2023 City Council Meeting Calendar



2023 CITY COUNCIL MEETINGS

Regular meetings every first and third Tuesday of the month at 6:00 PM

January 2023

Mon	Tue	Wed	Thu	Fri
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30	31			

February 2023

Mon	Tue	Wed	Thu	Fri
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28			

March 2023

Mon	Tue	Wed	Thu	Fri
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	31

April 2023

Mon	Tue	Wed	Thu	Fri
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28

May 2023

Mon	Tue	Wed	Thu	Fri
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

June 2023

Mon	Tue	Wed	Thu	Fri
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30

July 2023

Mon	Tue	Wed	Thu	Fri
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				

August 2023

Mon	Tue	Wed	Thu	Fri
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30	31	

September 2023

Mon	Tue	Wed	Thu	Fri
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

October 2023

Mon	Tue	Wed	Thu	Fri
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30	31			

November 2023

Mon	Tue	Wed	Thu	Fri
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	

December 2023

Mon	Tue	Wed	Thu	Fri
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

■ Holiday (City Offices Closed) ■ City Council Meeting

■ Canceled City Council Meeting ■ Adjourned Regular City Council Meeting ■ Rescheduled City Council Meeting



CITY OF MANHATTAN BEACH

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STAFF REPORT

Agenda Date: 12/13/2022

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Liza Tamura, City Clerk
Martha Alvarez, Assistant City Clerk
Patricia Matson, Deputy City Clerk

SUBJECT:

Consideration of the Approval of City Council Assignments (City Clerk Tamura).

APPROVE

RECOMMENDATION:

Staff recommends that the City Council approve the City Council Assignments.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

At the City Council meeting of December 13, 2022, Councilmember Howorth and Councilmember Lesser were given their Oath of Office.

It is the discretionary responsibility of each Mayor to review the standing list of City Council assignments to various government and community-related committees and make changes as they feel are necessary, with City Council approval. The assignments provided by the Mayor are attached for City Council consideration.

CONCLUSION:

Staff recommends that the City Council approve the City Council Assignments as proposed by Mayor Napolitano.

PUBLIC OUTREACH:

After analysis, staff determined that public outreach was not required for this issue.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENTS:

1. Proposed City Council Assignments (to be provided under separate cover)
2. City Council Assignments & Committee Descriptions

Manhattan Beach City Council

Councilmember Assignments/Committee Descriptions

CITY COUNCIL COMMITTEES

City Council/Manhattan Beach Unified School District Ad Hoc Subcommittee:

This committee is comprised of two City Councilmembers and two School Boardmembers. The committee meets on an as-needed basis to discuss issues of mutual interest to the City and the school district.

Utilities Subcommittee:

This committee is comprised of two City Councilmembers and Southern California Edison (SCE) representatives who meet on an informal basis about the reliability and maintenance of SCE's system in Manhattan Beach.

Finance Subcommittee:

This committee is comprised of two City Councilmembers and the City Treasurer. The committee meets on a quarterly basis to discuss issues such as the investment report, the annual audit, the annual budget, and other finance-related issues. The City Treasurer maintains regular contact with the Finance Department staff.

Senior Advisory Committee (SAC):

The purpose of the SAC is to provide ongoing input to the City of Manhattan Beach on the provision and delivery of recreational, social, educational, health and community services (via The Older Adult Program) to Manhattan Beach residents aged 55 and over. One City Councilmember (usually the Mayor or City Councilmember appointed by the Mayor) acts as the liaison to the SAC to communicate Older Adult programs and events to the City Council and share City Council updates with the SAC.

Art in Public Places Committee - Bruce's Beach Art Project:

This committee is composed of two City Councilmembers, representatives from the dissolved Bruce's Beach Task Force, the Cultural Arts Commission, and City staff. They will discuss the art project and RFP for the art to be placed at Bruce's Beach Park.

LOCAL GOVERNMENT

South Bay Cities Council of Governments (SBCCOG)*:

The SBCCOG is a Joint Powers Authority of 16 cities and the County of Los Angeles that share the goal of maximizing the quality of life and productivity of the South Bay region. The members are comprised of the Cities of: Carson, El Segundo, Gardena, Hawthorne, Hermosa Beach, Inglewood, Lawndale, Lomita, Manhattan Beach, Palos Verdes Estates, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Torrance and the Harbor City/San Pedro communities of the City of Los Angeles along with the unincorporated areas of the County of Los Angeles District 2 and 4. Each member has one delegate. The Board of Directors meets once a month (4th Thursday) to discuss issues of relevance to the South Bay Cities such as legislation, transportation, and other such intergovernmental issues.

South Bay Regional Public Communications Authority (RCC)*:

The South Bay Regional Public Communications Authority (also referred to as "RCC" for Regional Communications

Center) is a Joint Powers Authority currently owned by the cities of Gardena, Hawthorne and Manhattan Beach while also providing communications services under contract to the cities of El Segundo, Hermosa Beach, and Culver City. City Council representatives attend twice a year.

L.A. COUNTY GOVERNMENT

Independent Cities Association (ICA):

ICA is a non-profit corporation established in 1960 by the full service cities (cities that provide their own police and/or fire services) in Southern California to represent the interests of the member cities collectively. The organization focuses on education, legislative advocacy, intergovernmental relationships and other major issues that transcend the boundaries of its member cities. ICA is governed by a maximum of 24 Board of Directors elected by the member cities which meets once a month every 2nd Thursday.

Los Angeles County Sanitation Districts (LACSD)*:

The Sanitation Districts are a public agency created under state law to manage wastewater and solid waste on a regional scale and consist of 24 independent special districts serving about 5.6 million people in Los Angeles County. The service area covers approximately 850 square miles and encompasses 78 cities and unincorporated territory within the county. The Board of Directors consists of the mayor of each city within that District and meet once per month every 3rd Wednesday of the month.

Los Angeles County City Selection Committee:

The ad hoc group is made up of elected officials from each city in Los Angeles County (the mayor is the automatic delegate) that appoint City representatives to such Boards, Commissions and Agencies required by law, to seats on regional boards such as: LAFCO, South Coast Air Quality Management District, Los Angeles County Metropolitan Transportation Authority, Los Angeles County Hazardous Waste Management Advisory Committee; and to nominate for appointment Members to the California Coastal Commission. The group meets on an as-needed basis approximately 3-4 times a year.

West Basin Municipal Water District:

West Basin Municipal Water District is a wholesale water agency that provides imported drinking water to 17 cities and unincorporated areas of Los Angeles County throughout its 185 square mile service area. In addition to imported water, West Basin provides the following key services: producing five types of customer-specific recycled water; implementing effective water use efficiency and conservation programs; exploring desalination technologies; and providing community outreach and education programs. The Board of Directors meets monthly.

REGIONAL/STATE GOVERNMENT

League of California Cities:

The League of California Cities is an Association of California City Officials who work together to enhance their knowledge and skills, exchange information, and combine resources so that they may influence policy decisions that affect cities. The City of Manhattan Beach is within the Los Angeles County division of the League and is made up of the 86 cities in LA County. The League of California Cities provides members with the opportunity to exchange ideas and information and share the advantages of cooperative advocacy. The division is guided by an executive committee under the leadership of a division president. Elected city officials and professional city staff attend division meetings throughout the year to share what they are doing and advocate for their interests in Sacramento.

Southern California Association of Governments (SCAG):

SCAG functions as the metropolitan planning organization of 191 cities encompassing the six counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura and Imperial. Generally, SCAG develops long-range regional transportation plans including sustainable communities' strategy and growth forecast components, regional transportation improvement programs, regional housing needs allocations, and a portion of the South Coast Air Quality management plans. General Assembly meets once a year and is attended by a representative from the City.

California Contract Cities Association (CCCA):

California Contract Cities Association (CCCA) is to serve as a rallying point for cities contracting for municipal services to ensure the best constituent services at the minimum cost. Through municipal seminars, education, exchange of ideas and information, the association combines resources to influence policy decisions affecting member cities.

Clean Power Alliance of Southern California (CPA):

Clean Power Alliance is a new, locally controlled electricity provider or regional Community Choice Aggregation (CCA) program in Southern California. CPA allows local governments to purchase electricity in the wholesale power market and sell it to their residents and businesses at competitive rates as an alternative to electricity provided by an investor owned utility. CPA is run by an Executive Director and a small staff and is overseen by elected officials from cities and counties who serve on a Board of Directors of the CPA, a nonprofit agency established to operate the program. The City of Manhattan Beach, as a Board Member since December 2017, has the opportunity to make important, foundational decisions regarding environmental sustainability. The Mayor, Mayor Pro Tem, and/or Staff are appointed as Board of Directors and Alternates attend monthly board meetings, as well as multiple committee meetings.

Metropolitan Water District of Southern California:

The Metropolitan Water District of Southern California serves 26 public water agencies (cities, municipal water districts and one county water authority) that then deliver supplies directly or indirectly to 19 million people in Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura counties. The Board of Directors meets monthly.

CIVIC ORGANIZATIONS

Manhattan Beach Neighborhood Watch:

Neighborhood Watch Area Coordinators meetings are held every other month (2nd Wednesday). It is up to the committee chair and the City delegate to work out appropriate participation for the City representative. Attendance may also include a brief report/City update at the beginning of the meeting.

Manhattan Beach Hometown Fair Association:

The annual Manhattan Beach Old Hometown Fair is organized by an all-volunteer, non-profit board of directors. The meeting schedule varies and is provided to the board members. It is up to the committee chair and the City delegate to work out appropriate participation for the City representative. Attendance may also include a brief report/City update at the beginning of the meeting.

Manhattan Beach Community Emergency Response Team (C.E.R.T)

The Manhattan Beach Community Emergency Response Team Association is an all-volunteer, non-profit

organization created to enhance disaster preparedness and emergency response for the citizens of Manhattan Beach. We accomplish this through participation in community awareness events, various training programs, and drills and providing volunteer support to the Manhattan Beach Fire and Police Departments when a disaster strikes or upon activation by the Manhattan Beach Fire or Police Departments in the event of an emergency.

BUSINESS ORGANIZATIONS

Manhattan Beach Chamber of Commerce:

Established in 1941, the Manhattan Beach Chamber of Commerce is dedicated to promoting business through a mix of opportunities for business expansion, personal growth and community connection. The Board of Directors meets once a month (3rd Wednesday). Traditionally, the City Delegate provides an update on matters of interest to the business community.

Downtown Manhattan Beach Business & Professional Association (DBPA):

The DBPA is a non-profit corporation established in 1985 which serves all business license holders in the downtown area except commercial property owners. The DBPA works on parking, transportation and community programs, marketing and advertising of the downtown and holds a variety of promotions and special events. The DBPA meets once a month, usually the second Thursday of the month at 9:00 AM. Traditionally, the City Delegate provides an update on matters of interest to the downtown business community.

North Manhattan Beach Business Improvement District (BID):

The North Manhattan Beach BID (the area generally surrounding the Rosecrans Avenue and Highland Avenue intersection) was originally formed in 1969, and then reformed in 2004 with a broadened scope to address physical improvements to the district, signage, and marketing. It includes all business license holders in the defined area and has a 7-member board comprised of business owners within the BID boundaries which meets once a month – usually the first Wednesday at 6 p.m. The Revenue Services Manager is the staff liaison and administrator for the BID. City delegates attend meetings and may provide a brief report/City update when needed.

AIRPORTS

Los Angeles World Airport (LAWA) LAX/Community Noise Roundtable:

The Roundtable was created in September 2000 and is intended to reduce and mitigate the adverse noise impacts that the users of LAX create on the surrounding communities and their environs. Membership of the Roundtable consists of local elected officials, representatives of congressional offices, members of recognized community groups, the Federal Aviation Administration (FAA), the Office of Antiterrorism Assistance (ATA), and LAWA management. The roundtable meets on the second Wednesday of every odd numbered month and may schedule additional meetings as needed. All meetings start at 7 PM.

Hawthorne Municipal Airport Communities Network Committee:

This committee was created to provide an informational forum engaging representatives from communities affected by FAA established flight paths, pilots and flight operation managers as well as FAA representatives in conversations aimed at finding ways to reduce and mitigate noise impacts on the surrounding communities to the extent possible by pilots and the FAA laws and regulations and safety standards. The committee meets at 6:00pm on the second Wednesday of: January, April, July, and October.



CITY OF MANHATTAN BEACH

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STAFF REPORT

Agenda Date: 12/13/2022

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Carrie Tai, AICP, Community Development Director
Mark Leyman, Parks and Recreation Director

SUBJECT:

Consideration of Revised Meeting Times For City Commissions to Accommodate Permanent Hybrid (In-Person and Virtual) Meeting Format for Participants (Community Development Director Tai and Parks and Recreation Director Leyman).

(Estimated Time: 30 Mins.)

APPROVE

RECOMMENDATION:

Staff recommends that the City Council approve the change in meeting times for various City Commissions to accommodate for hybrid (in-person and virtual) meeting formats, which facilitate public participation.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with the recommended action. However, there are fiscal implications with returning to the prior meeting times due to the need for additional staffing resources outside of business hours.

BACKGROUND:

Section 2.44 of the Municipal Code authorizes the City to create permanent Boards and Commissions, the powers and duties of which are listed in the Municipal Code or approved by resolution. The City currently has five Commissions: 1) Planning Commission; 2) Parking and Public Improvements Commission; 3) Parks and Recreation Commission; 4) Cultural Arts Commission; and 5) Library Commission, collectively referred to as "Commissions" in this report. The Commissions were created by City Council resolutions, but there are no specific meeting times in the formation resolutions. The Board of Building Appeals meets on an ad-hoc (as needed) basis and does not have pre-set meeting days or times.

Prior to the COVID-19 emergency response, the Commissions traditionally met at 6:00 p.m.

on set days of the month in the Council Chambers at City Hall. During the early stages of the City's COVID-19 response, all Commission meetings moved to a virtual-only format and adjusted times as needed to facilitate public attendance. For example, the Planning Commission meetings transitioned to 3:00 p.m. These earlier meeting times allowed virtual meetings to occur outside of traditional dinner hours given that participants were attending virtually from home. During the later stages of the COVID response including the past six months, Commission meetings transitioned to a hybrid (in-person and virtual) format, with the modified meeting times. The hybrid meeting format has proven to have many advantages including facilitating public attendance, public participation, and minimizing Commissioner absences due to scheduling conflicts. The City Council has been conducting hybrid meetings for most of 2022.

Assembly Bill (AB) 361 allowed relaxation of certain Brown Act regulations pertaining to meeting attendance until January 1, 2024, but only during a state of emergency. The provisions allowed flexibility in meeting attendance for members of legislative bodies (including Commissions) by relaxing the locational and agenda posting requirements for remote attendance.

The Governor of California has announced that the COVID-19 State of Emergency will end on February 28, 2023. As such, the standard Brown Act provisions apply and Commissioners will need to return to physical attendance for Commission meetings unless their location is identified on the agenda. However, there are no state laws that mandate that public meetings continue in hybrid formats. The Commissions would like to continue the hybrid format beyond the State of Emergency given the ease of participation. Supporting the hybrid meeting format necessitates the assistance from Information Technology (IT) Department staff, who has indicated challenges with overtime staffing being consistently available after business hours. Therefore, staff requests that the City Council consider modifying the meeting times and formats to accommodate for the hybrid meeting format.

DISCUSSION:

The proposed meeting times for the various Commissions is as follows:

- Planning Commission: 3:00 p.m. (2nd and 4th Wednesdays of the month)
- Parking/Public Improvements Commission: 4:00 p.m. (4th Thursday of the month)
- Parks and Recreation Commission: 4:00 p.m. (4th Monday of the month)
- Cultural Arts Commission: 4:00 p.m. (3rd Monday of the month)
- Library Commission: 4:00 p.m. (2nd Monday of the month)

There are no proposed changes to meeting dates or locations. Meetings will continue to be held in the City Council chambers for in-person attendance and virtual attendance will be conducted online. The City currently uses Zoom. The proposed meeting times do not conflict with any regularly scheduled meetings such as City Council meetings. Meetings are recorded to allow for future reference.

The Ralph M. Brown Act of the State of California ensures and encourages transparency and participation in public meetings. During the COVID-19 response, the virtual format enabled significantly more participation during a time when participation was not possible. For example, there were upwards of 100 people at certain Planning Commission meetings

due to public interest on agenda items. While the return to in-person format enabled renewed face-to-face communication amongst Commissioners, staff, and members of the public, staff continues to observe a notable amount of virtual participation. Continuing to offer hybrid meetings at their earlier start times allows community members to attend meetings in a manner convenient to them, while ensuring that there is adequate staff to support the meeting. This is consistent with the intent of the Brown Act.

After extensive research, staff was unable to locate any official documents memorializing meeting times. Currently, all meeting times are reflected in the Boards and Commissions handbook, which is periodically updated by the City Clerk. Any new meeting times will be reflected in an update to the Boards and Commissions handbook.

PUBLIC OUTREACH:

After analysis, staff determined that public outreach was not required for this issue. Agendas will continue to be distributed in advance in accordance with the Brown Act.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that there is no possibility that the activity may have a significant effect on the environment; therefore, pursuant to Section 15061(b)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

